This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

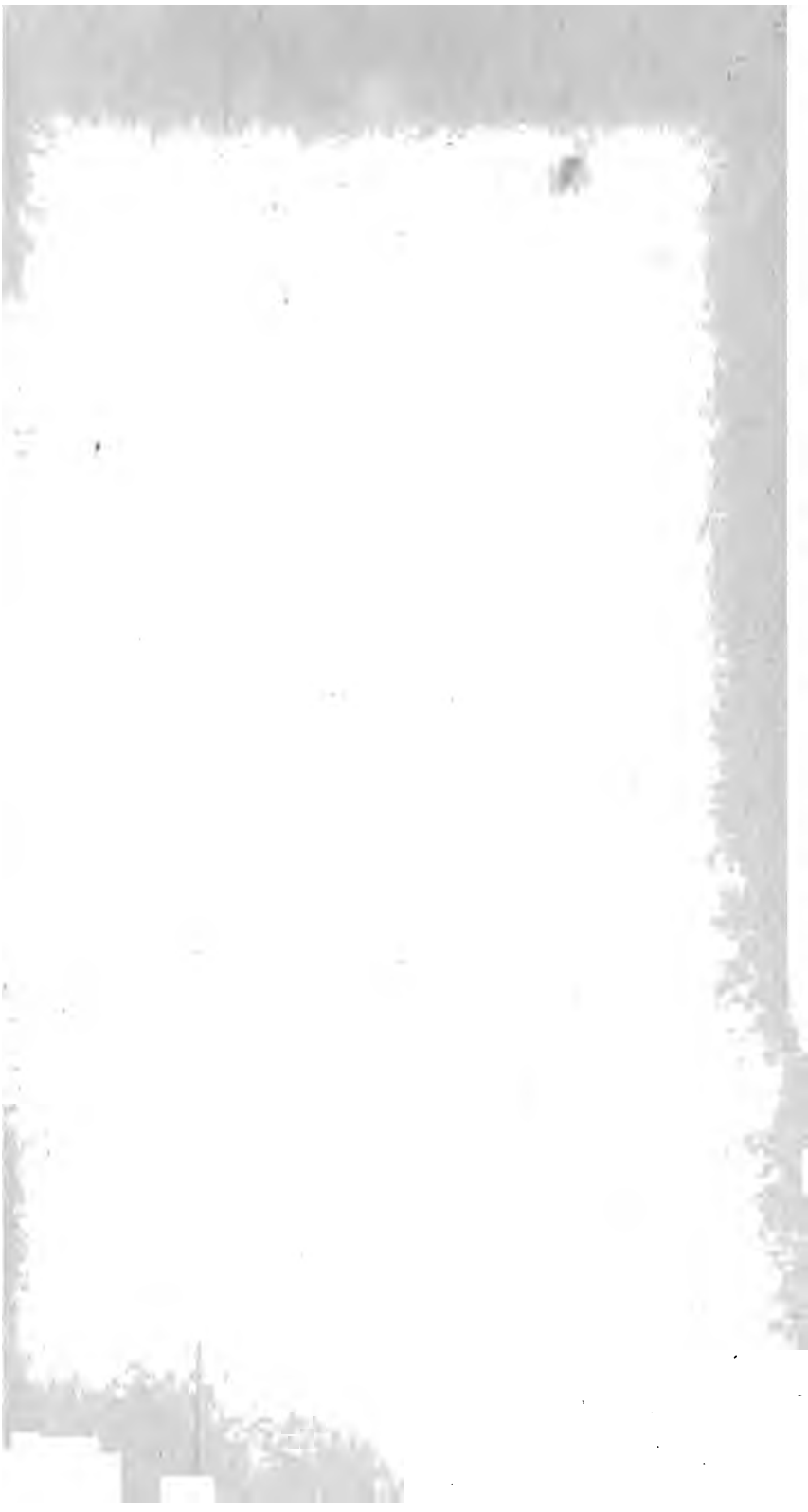
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

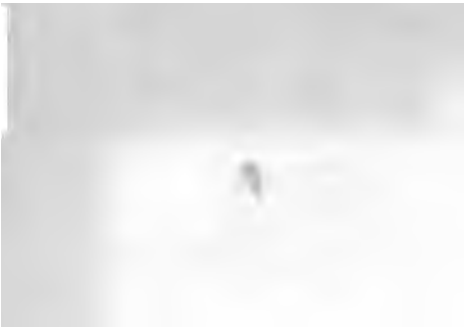
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

3 3433 07595506 6

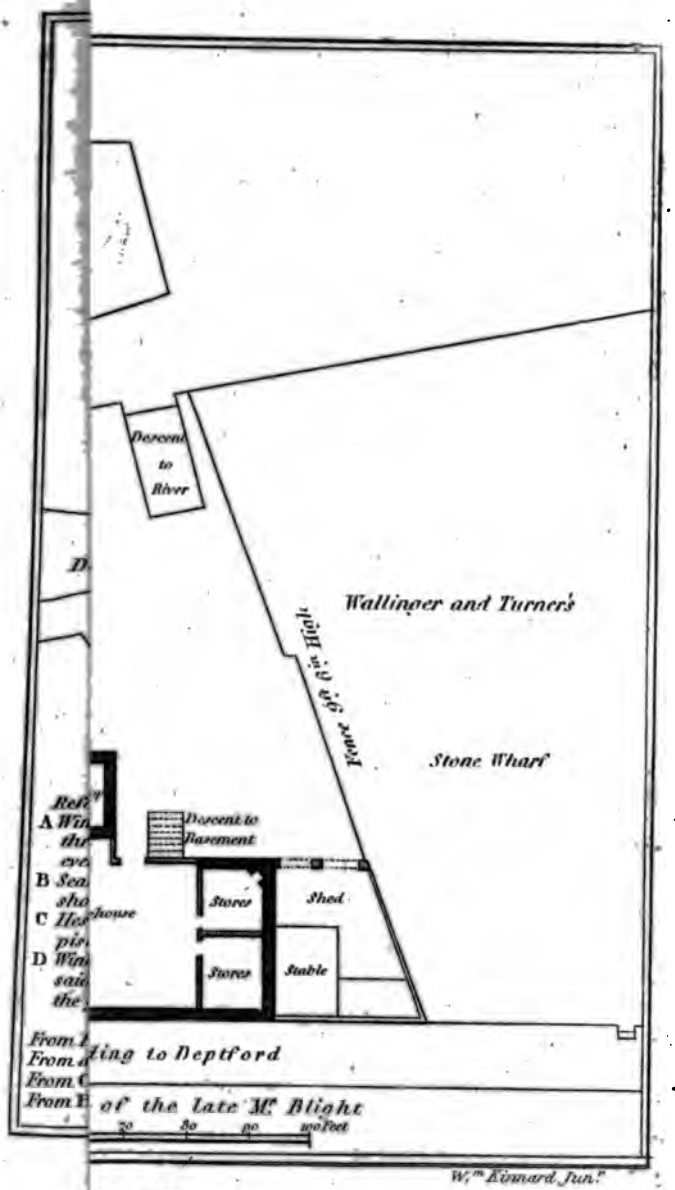




THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

Great Britain
Court of


Descent to River
Wallinger and Turner's
Stone Wharf
Descent to Basement
Stores
Shed
Stores
Stable
ing to Deptford
of the late Mr Blight
70 80 90 100 Feet
Wm Kinnard Jun.r

LIGHT.

THE

TRIAL

OF

RICHARD PATCH

FOR

THE WILFUL MURDER

OF

ISAAC BLIGHT,

AT ROTHERHITHE, on the 23d of SEPTEMBER, 1805.

AT THE SESSION HOUSE, NEWINGTON, SURREY,

On Saturday the Fifth of April, 1806.

TAKEN IN SHORT-HAND BY

JOSEPH GURNEY and W. B. GURNEY.

LONDON:

SOLD BY M. GURNEY, BOOKSELLER, HOLBORN-HILL.

1806.

[Entered at Stationers' Hall.]

TO NEW YORK
PUBLIC LIBRARY
201017A
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R

THE JEROME B. HOWARD
SHORTHAND COLLECTION
PURCHASED FOR
THE NEW YORK PUBLIC LIBRARY
BY THE
NATIONAL SHORTHAND REPORTERS'
ASSOCIATION AND THE LIBRARY
1924

W. Lewis, Printer, Paternoster-row.

THE

TRIAL

OF

RICHARD PATCH

FOR THE WILFUL MURDER OF

ISAAC BLIGHT.

At the Lent Assizes for the County of Surry, holden at Kingston, before the Right Honorable Sir Archibald Macdonald, Knt. Lord Chief Baron of His Majesty's Court of Exchequer; and the Honorable John Heath, Esquire, one of the Justices of His Majesty's Court of Common Pleas, the Grand Jury found a Bill of Indictment against Richard Patch, for the wilful Murder of Isaac Blight.

The Trial was appointed to take place at the Session House, at Newington, on Saturday the 5th of April.

SESSION HOUSE, NEWINGTON,

Saturday, April 5, 1806.

Before the Right Honorable SIR ARCHIBALD MACDONALD, Knt. Lord Chief Baron of His Majesty's Court of Exchequer.

Counsel for the Crown.	*Counsel for the Prisoner.*
MR. GARROW,	MR. Serjeant BEST,
MR. COMMON SERJEANT,	MR. GURNEY,
MR. CONST,	
MR. POOLEY.	
Solicitors.	*Solicitor.*
MR. C. HUMPHREYS, Barnard's Inn.	MESSRS. FLETCHER and WRIGHT, Hyde Street, Bloomsbury.

The Court being opened, and Richard Patch set to the Bar, he was arraigned on the Indictment, to which he pleaded not guilty. Then the Pannel returned by the High Sheriff was called over, and the following were sworn

THE JURY.

CHARLES SMITH, of Merton.
THOMAS DALEY, of Barnes.
JOHN LAYTON, of Putney.
JOHN CAPE, of Putney.
ISAAC HILLIER, of Merton.
HENRY WOOD, of Putney.
JOHN WEDGE, of Wandsworth.
THOMAS BARTLETT, of Merton.
GEORGE MOORE, of Putney.
GEORGE SMITH, of Putney.
DANIEL LANGTON, of Wandsworth.
THOMAS CHAPMAN, of Putney.

Mr. KNAPP, the Clerk of Arraigns, charged the JURY with the Prisoner, in the usual form, on the following Indictment.

THE INDICTMENT.

SURREY—The Jurors for our Lord the King upon their Oath present that Richard Patch late of the Parish of Saint Mary Rotherhithe in the County of Surrey Labourer not having the Fear of God before his Eyes but being moved and seduced by the Instigation of the Devil on the twenty-third Day of September in the forty fifth Year of the Reign of our Sovereign Lord George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith with Force and Arms at the Parish aforesaid in the County aforesaid in and upon Isaac Blight in the Peace of God and our said Lord the King then and there being feloniously wilfully and of his Malice aforethought did make an Assault and that the said Richard Patch a certain Pistol of the Value of Five Shillings loaded with Gunpowder and a leaden Bullet which he the said Richard Patch then and there had and held in his right Hand to at and against the said Isaac Blight did then and there feloniously wilfully and of his Malice aforethought shoot off and discharge and that the said Richard Patch with the leaden Bullet aforesaid out of the said Pistol so shot off and discharged by him the said Richard Patch as aforesaid him the said Isaac Blight in and upon the right Side of the Body of him the said Isaac Blight did then and there feloniously wilfully and of his Malice aforethought strike penetrate and wound giving to him the said Isaac Blight then and there by such striking penetrating and wounding of him the said Isaac Blight with the leaden Bullet aforesaid out of the said Pistol so shot off and discharged by him the said Richard Patch as aforesaid one mortal Wound in and upon the right Side of the Body of him the said Isaac Blight of the width of one Inch and of the Depth of ten Inches of which said mortal Wound the said Isaac Blight from the said twenty-

third Day of September in the Year aforesaid until the twenty-fourth Day of same Month of September in the same Year at the Parish aforesaid in the County aforesaid did languish and languishing did live on which twenty-fourth Day of September in the Year aforesaid the said Isaac Blight at the Parish aforesaid in the County aforesaid of the mortal Wound aforesaid did die and so the Jurors aforesaid upon their Oath aforesaid do say that the said Richard Patch him the said Isaac Blight in Manner and Form aforesaid feloniously wilfully and of his Malice aforethought did kill and murder against the Peace of our said Lord the King his Crown and Dignity

The Indictment was opened by Mr. POOLEY.

Mr. GARROW,

May it please your Lordship,

Gentlemen, I have the honor of attending you in order to discharge the duty which belongs to the Counsel for the Crown, in stating the circumstances of this case.

Gentlemen, we are engaged in a very awful and most important enquiry, which will require your best and undivided and particular attention.

You will not expect from me, in opening this case to you, that I should enter into any elaborate argument, or endeavour by any subtilty of reasoning, to lead you to the conclusion to which I, who have to state it to you, must necessarily have arrived, that the justice of it will in the result call upon you to pronounce the Prisoner guilty; you will attend entirely to the evidence as it shall be laid before you in this place, and you will consider what I shall have the honor of addressing to you merely as an index to that evidence, and intended to assist you with the greater facility to pursue it in its details, and to attend to it with such observations as you will by and by receive upon it from his Lordship.

Gentlemen, as at this place, and at this time, you are somewhat unusually assembled, it may not be unfitting, and I hope his Lordship will not consider it to be so, if I say a word or two to you upon that subject; I do it the rather because it affords me an opportunity, in the name of the public justice of the Country, and I may be permitted to add too, in the name of the Prisoner, whom I prosecute, to make an humble offering of thanks to his Lordship for having thus assembled us. We have to lament (I wish I could flatter myself that this would be the last time in my professional life, that I should have to make a similar complaint) that upon this melancholy and

most important subject, there have been but too many details in the public prints.

The Prisoner would, in the ordinary course of justice, have been tried at the Assizes holden by his Lordship in a different part of the County from that in which you are now assembled. The case had excited much curiosity, the indictment was found at that Assize, and was there naturally the subject of much conversation, and therefore his Lordship, in that anxious attention which all British Judges pay to the security of the subject, has thought it fitter to adjourn to this place, and to direct new summonses to you now for the first time called, to the consideration of the case, in order that, between the public and the Prisoner, there may be a fair and satisfactory deliverance, and from you I have no doubt that it may confidently be expected, and will be received.

Gentlemen, I take the liberty of saying one word more.—If you have had the misfortune, as but too probably you may, to have read, before it could have entered into the imagination of any one of you, that you would be to pass as a Juryman upon this trial, any account of this melancholy transaction; for God's sake do your best to dismiss it from your recollection, and bring yourselves to the pure consideration of the evidence alone. Permit me, too, to observe, that prejudice against the person accused is not the only mischief to be dreaded from these dangerous and most improper and ill-timed publications; there is another, against which I take the liberty of cautioning you, there is danger that with the best intentions you may suspect yourselves of an improper bias, and because you may have heard something out of doors, a distrust of yourselves might lead to a failure to do your duty; you will not, I am persuaded, fall into such a fatal impropriety. You will recollect the oath you have taken, to make a true deliverance between the King and the Defendant; you will do that by attending to the evidence, and I am sure the Public and the Prisoner will alike have reason to be satisfied.

Gentlemen, I will proceed to state the relative situations of the unfortunate deceased, and the Prisoner now accused at your Bar.—I shall endeavour to make you acqainted with the situation of the premises in which the deceased resided, and where he met his death.—I shall state to you what appears to me; but here again, I caution you to reject all I say that does not, by the evidence laid before you, meet with full confirmation as that evidence goes along. No man will accuse me, I am sure, of designedly stating one syllable to inflame you, or mislead you, but it may happen, that having looked at this case with a view to discharge the very anxious duty I am now discharging, and which I would fain have retired from, if I could have done it with propriety, the circumstances may have struck me in a light stronger than they ought to do.—You will correct my errors —you will be most ably and most powerfully assisted in making that correction.

I shall proceed in stating the relative situations of these parties, a situation which, if the Defendant be guilty of this murder, places him in the condition of one of the worst men the history of mankind has ever presented us with; as a man who deliberately sought the occasion of bringing his best benefactor and friend into the toils of mischief, and there with determined purpose of destroying him, taking away that life which had been for a considerable time spent for his benefit.—A case which if it is not indeed petit treason, is next of kin to that crime.—I believe amounting to petit treason.—I shall proceed then to give you an account of the premises in which these parties resided, and in which this deed was perpetrated, from whence I apprehend that it will result, that it is absolutely impossible—I say it advisedly, *it is absolutely impossible* that any other hand could have occasioned the death of Mr. Blight than the hand of the Prisoner at the bar.

I shall proceed to detail other circumstances to you, from whence I apprehend that it will, with almost equal certainty, result, that by his hand Mr. Blight came to his death.

I shall be under the necessity of detailing to you the demeanor, the conduct, and the conversations of the Prisoner, from whence the same result, in my humble judgment, seems necessarily to follow; and, I shall then produce to you some circumstances in evidence, in which, without suspecting myself of being very superstitious, I have persuaded myself that I see the directing hand of Providence to arrest guilt in its career, and to bring the guilty to punishment.

Gentlemen, the deceased, Mr. Blight, lived in the neighbourhood of Greenland-Dock, where he had, for a considerable time, carried on extensively the business of a Ship-breaker, which you know consists in purchasing ships and breaking them up in order to make a profit of their materials; he had, for a menial servant in his family, a sister of the Prisoner Patch, and you will find that in the spring of the year 1803 (and it will not be material for me to burden your recollection with more than two or three dates) you will find in the spring of 1803 the Prisoner came to pay a visit to his sister, then a menial servant in the family of Mr. Blight.—She asked permission for her brother to remain there that night, which was granted, and then he represented himself to be a person in very distressed circumstances, who had been under the necessity of leaving the West of England on account of the embarrassment of his affairs, and some dispute about tithes, and that he would be glad to enter into the meanest employment that could produce him a living; and you will find that an important fact in this case, when you come to compare it with some circumstances which I shall state presently. You will find that he in fact engaged in the service of Mr. Blight merely for his victuals and drink; no salary, no wages, but merely working for his victuals and drink; we find him then, in the spring of 1803, a considerably distressed man.

He continued for some time upon this footing with Mr. Blight, and then being, I believe, a valuable servant, by employing himself usefully in the

concerns of his master, he agreed to give him in addition to the board he had had before, thirty pounds a year, by way of salary; he went on for some time upon this footing, and at length desiring rather to board himself, than to board in the family, his salary was raised to an hundred a year.

We find his history then to be this, that he leaves his home in the spring of 1803, that he is a sort of outcast without any means of subsistence, that at length he gets into a situation where, by his hard labour, he is earning the sum of a hundred pounds per annum.

You will find that, in the year 1803, Mr. Blight became somewhat embarrassed in his circumstances, and that it became necessary for him to call his creditors together, and to make arrangements with them for the purpose of settling his affairs, and there was a deed of composition executed, a sort of thing you know which takes place frequently, and by which the ruins of his affairs were to be divided among his creditors, and he to be made a free man.

You will find the Prisoner afterwards taking a very important, share in this transaction, and I believe furnishing, from that transaction, a clue to that guilt which this Indictment imputes to him; probably some of you know, that upon these arrangements being made, the object is to make an equal distribution of the property amongst all the creditors, as the operation of the Bankrupt law is; so that if all do not come in; but if A, for instance, stands out, and insists upon payment of his whole debt, it is usually provided that the deed shall become void and of no effect; then the person, of course, becomes possessed again of his own property, subject to all its liabilities. It appears that one of the creditors of Mr. Blight did not consent to this deed, or, which is the same thing in effect, perhaps had paid a sum of money after the execution of the deed, which did not range under it, and therefore threw the arrangement into confusion; in consequence of which, in an evil hour, it occurred to Mr. Blight, that it was necessary to

protect himself against this creditor, who thus might become importunate; and he did that which those who survive him, and are interested in his fate, have reason to lament, he executed an instrument conveying his property to the Prisoner at the Bar, his bosom friend.

There was an appearance of a transfer of all that property to the Prisoner for a nominal consideration of 2065*l.* 4s. you will find that circumstance is of considerable importance in the consideration of this cause. The manner in which that scheme was carried into execution was, by enumerating the property supposed to be transferred, in a bill of parcels, a receipt for the supposed consideration-money, and inasmuch as he had applied to the City for a renewal of his lease in his own name, a letter to Patch stating that that lease would be to be obtained for his benefit, though the petition had been put in in the name of Blight;—this was, I think, in the month of July, 1805.

Gentlemen, some time after this, the family of Mr. Blight went into the country, to Margate, and he was about to follow them, but before he went there he entered into a new agreement with the Prisoner;—you observe that the one I stated before was merely colorable between them, to appear or not to appear, as the pressure of creditors might come upon Mr. Blight, to be withdrawn altogether, if there should be no such pressure: (in plain English) to defraud the creditors, and protect the property of Blight.—But, in the month of August, he entered into a new agreement with the Prisoner, which will be of the last importance for you to recollect, in which it was stipulated that Mr. Blight should retire nominally from the conduct of the business, that the Prisoner should conduct it; but it was to be done upon these terms: Blight to be interested in two-thirds of the profits of the trade, the Prisoner being interested in the remaining one-third; and for this the Prisoner was to pay the sum of 1250*l.*—Now, Gentlemen, it will have

occurred to you, probably, that this was likely to be a difficult thing to obtain of a man of whom I have given the account which you have heard: he is in the Spring of 1803, a man without means; he then works for some time for his board,—then for thirty pounds a year in addition to his board, from which it is not to be imagined much could be saved;—at length he boards himself, and has a remuneration of a hundred a year for his labour; it is difficult to conceive how, at this time, out of any funds with which we are acquainted, he could be able to pay a consideration of 1250*l.*—but he certainly did pay to Mr. Blight the sum of 250*l.* part of that 1250*l.*—and which, probably, he might have got together since the ruin of his fortune in the West, leaving a sum due to Blight of 1000*l.*—It became necessary, however, that as only 250*l.* was paid, some security should be given to the man who was giving up this beneficial interest in his trade, and the Prisoner gave to him that, which, upon Mr. Blight and his Banker, he passed as a valuable security, was in the shape of a draft upon a person of the name of Goom, payable for 1000*l.*—which draft would become payable according to the time of its date, the 16th of September.

Now the representation that the Prisoner gave on that subject was, that he had sold an estate in the West, that he had received the consideration-money on it, and that he had lent it to Mr. Goom—when that was first stated to Mr. Blight, he remonstrated, and said it was odd he should have thus *glued up* the money—meaning thus have locked up the money which it was important for them to have in the trade, but the thing was done, and could not be avoided; therefore, the payment to Blight of a thousand pounds stood upon the security of a draft drawn by the Prisoner upon Goom, which would be demandable on the 16th of September.

Gentlemen, when the 16th of September arrived, the Prisoner represented to the Bankers, that Goom was not in a condition to take this up when it should

be due; and he withdrew it, substituting another draft of his own upon Goom, for 1000*l.* demandable upon the 20th day of that September.

We come now to a date most closely and intimately connected with the main object of our enquiry.—Upon Thursday the 19th day of September, Mr. Blight left his home in order to visit his wife, then at Margate; he had proposed to make some short stay there; the important concerns in which he was engaged, as they respected his property, were the payment of this draft of 1000*l.* from Goom, which he had reason to expect would take place upon the 20th of September, the day after he left London; of course, the day after he would have arrived at Margate.

It will be material to see how the Prisoner was engaged at this time; he accompanied his friend as far as Deptford, on his journey to Margate, and then he presented himself to his Bankers, representing to them that Goom would not be in a condition to *face* (as his expression was) the draft upon the 20th; but that he had got from him a note which satisfied him, and therefore the Bankers were not to present that draft of 1000*l.* upon Mr. Goom. The Bankers you know were the mere creatures and instruments of the parties, and as they were desired not to present the draft, of course it would not be presented.

Now, this 19th is a day of vast importance in the melancholy scene which you are called upon to contemplate; the Prisoner is now left at home in the house of Blight, with no other person in that house but a female servant, a woman of the name of Kitchener; and you will find that the family usually spent their evenings in what I shall call the front parlor of the house, by which I mean to be understood, the parlor fronting the Thames. The Prisoner was alone, and at about eight o'clock in the evening he desired the servant, Kitchener, to go out and bring him in sixpennyworth of oysters for his supper. I take it for granted that she had not far to go, but before she

returned, this circumstance had happened, that either a gun or musket-ball had been fired through the shutter of the window of that front parlor in which the Prisoner was sitting, and in which the family ordinarily sat. Upon this happening, as he represents it, he immediately jumped up in a state of considerable alarm, and went out upon the wharf, which you will understand better when I turn to this model, and describe the situation of the premises, which I will not do at present, lest I should disturb your attention from the narrative; he went out and looked about, and could find nobody there; he went to the gate, and there did find a man and his wife, who will be called as witnesses.

I charge, Gentlemen, and I undertake to satisfy you that that shot, thus fired upon the 19th, was not the shot of any enemy to any person in that house; but was fired by the Prisoner at the bar, for the purpose of bringing about that catastrophe, which, in the manner I proceed to state to you, he immediately set about to accomplish; I say, that it was not fired by any enemy to any person in that house, I have seen the place—but, I shall give you evidence upon the subject, and I shall demonstrate to you by that evidence, that it was impossible it should have been an hostile firing; for in the front of that room there is a wharf upon which the timber of the ships, when they have been broken up, are placed; there is a considerable depth of wharf, so that the only way in which any person could have fired at that window, must have been either by standing upon the wharf, and so firing, or from some other direction; now we will see first, whether any enemy could have fired it from the wharf; the Prisoner is sitting in the room, he instantly quits it, and goes out to search for the person who has fired that pistol; he finds no one, and he comes then to the gate of the wharf—the part only by which any person could possibly have escaped, and there he finds a man, who will tell you, that he neither saw any man running, walking, or as he put it, climbing over the pales; that he did hear a report of a pistol, and he will prove that it was

impossible from the premises of Blight for any person, who had discharged that pistol, to have escaped without his observation.

Gentlemen, I have stated that it was impossible for any body to escape from the premises over the paling, but you may say, why not over the wharf, and by the river? for this reason, that I will prove to you, that, at that time it was low water, and there was a deep mud into which any body would have sunk to suffocation if he had endeavoured to escape there; that in any other direction in which any body could have fired at that window, there was a large crane, and other objects, that would have intercepted his aim, and that above all, from the manner in which the ball has entered, close to the lower part of the shutter, it is evident that it was discharged close to that shutter—that it has rested upon the rail of the shutter, perforated the outside shutter, gone through close at the bottom of the sash, and broken the Venetian blind, and so gone in; but we shall come to see presently, from the conduct of the Prisoner, whether he or any body else did this.

But, it may be said, might not this be fired from the river? I say, no. First, because the water was low; in the next place, that the elevation from the mud, if any body had stood there, is such, that it was impossible for any person to have discharged a pistol from that situation, the ball from which could have found its way to this shutter, for it must have gone in an elevated direction, so as to have reached some much higher part of the house; you will judge, from the conduct of the Prisoner on the occasion, whether it was a shot fired by some other person, or by the Prisoner himself, in furtherance of that plan which this Prosecution charges upon him. As soon as he went forth out of the premises of Mr. Blight an alarm was given, a near neighbour, a publican of the name of Frost, came in; the question was, what does all this mean, what is the object of it, whilst a man is sitting alone in his house, in a room in which the family had been accustomed to sit, a pistol shot

fired into that room must mean malicious mischief Then any person who had brought himself up to the perpetration of this malicious mischief, and has made one unsuccessful attempt to accomplish his purpose, will probably follow up that object. Now, in Courts of Justice, we must reason according to the common conduct of mankind; we must form our conclusions from circumstances. To God alone are known the secrets of the heart: we can only judge of them, we can only decide on the conduct of men upon trial, by what we see and know of the ordinary conduct of the rest of mankind. Upon this story being stated, the neighbours naturally offer their assistance to protect the person who has thus been put into peril: they first offer to continue with the Prisoner that night? "No," he says, "they won't come again to night." Well, but why not guard against the possibility of that? No, no; they won't come again to night. Well, but if you are to remain in the house alone, it were well to be guarded, to be prepared against the possibility of a repetition of the attack. Have you any means of defence? Yes; I have pistols: but have no ammunition. Well, I will furnish you with ammunition? No; I don't want any to protect me, or means to protect myself. I shall go home, and go to bed. And home he goes, and to bed. This, you observe, is the 19th of September.

On the next day he writes to his partner, Mr. Blight, at Margate, and he gives an account of this most extraordinary and alarming transaction; and he says, he hopes it may turn out to have been accidental; that for himself he knows no person that can have any animosity against him—that he wishes to know for whom this had been intended, whether himself or Mr. Blight, and wishes for his counsel upon that subject; and he concludes his letter in language you may consider somewhat remarkable —"I shall be happy to receive a few lines from you, *but much more to see you*, as you are the only friend I have to consult with."—

Gentlemen, I for one have not discovered the necessity of this call of Mr. Blight immediately from Margate—I admit it was extremely fit that there should be measures of caution taken—I admit that an instant application to the Police would have been extremely judicious under those circumstances, and that to communicate the circumstance to Mr. Blight was extremely natural; but I do not see the necessity of thus bringing his partner up to London;—this letter is not very short, it is not confined to a few lines; and considering the anxiety which the Prisoner knew Mr. Blight felt on the subject of the payment of the 1000*l.* one should have expected that there would have been in some part of it a nota bene, either Goom has taken up his note which you expected to be taken up this day, or he is not in a condition to take it up, but has given me some security which you will think sufficient; this letter, however, is absolutely silent upon the subject of Goom's money.—Mr. Blight receives this at Margate, and without loss of time comes to London, where he arrives on Monday, the 23d of September.

The first object of enquiry when he came, I take for granted was into the circumstances of this firing on the preceding Thursday, but it does not appear to have been considered by any of the parties to be of so much importance as to induce them to take any precautionary steps upon it.

The next object of enquiry of Mr. Blight, I believe, was as to the payment of this 1000*l.* about which he had been for some time uneasy, and the Prisoner, you will find, certainly did not communicate to him that which he had done immediately upon his leaving town, namely, that he had forbid the banker's presenting the draft upon the 20th, and stated, that he had another satisfactory security in substitution for it;—if any thing was to be communicated to Mr. Blight, that was a natural thing to communicate; but, upon the contrary, he led Blight to believe that the money was not only perfectly safe, but forthcoming, and as I shall prove, and you will find it

extremely important, because you will find the Prisoner expressly denying that any such circumstance took place; you will find the Prisoner took a journey to London for the express purpose of procuring that money, with a positive peremptory inhibition from his partner against returning till it should be procured; he returned in the afternoon, and what passed between them it is not in my power to state; the day passed on till evening, they drank tea together; it was then proposed, they should have some grog—they were each taking their glass of grog till about eight in the evening.

I have stated that the family usually spent their evenings in the front parlor, into the window of which front parlor the first shot on Thursday the 19th was fired; they, the Prisoner and the deceased, for the first time passed their evening in the back parlor; upon that Monday, *in that back parlor*, by somebody, Mr. Blight was shot and murdered.—Now, it appears to me, that with all attention to the chaste and proper discharge of my duty, and I do assure you I am most anxious so to conduct myself, I should neglect that duty, if I did not here enquire, what would have been the conduct of any body who had intended a fatal blow, either to the Prisoner or to Mr. Blight? but from what has happened we must understand it to be Mr. Blight—if any body who had made that attack upon Thursday had intended to repeat it on the Monday, where would that person, acquainted with the habits of this family, have found himself, in order to accomplish his purpose and perpetrate the crime: —you are, I presume, ready to answer, certainly in the front parlor, in which the family always sat, and were naturally to be found.—But, on this evening, they were sitting in the back parlor; and at eight o'clock you will find the Prisoner Patch quitting that back parlor in which he had thus been sitting with his friend, who had been travelling all night, who was drowsy, and had been drinking grog, quitting him and going to the maid servant in the kitchen close adjoining,

and there asking her for the key of the counting-house, and for a candle, stating that he was disordered in his bowels, and that it was necessary for him immediately to go to the necessary. You will not forget, for a reason I shall state presently, that he made that declaration; it is a thing that does not ordinarily occur to proclaim those necessities, particularly to persons of the other sex, but you will find that declaration to be a circumstance not unimportant in the consideration of this case;—he goes out, therefore, of this kitchen with a candle in his hand—he passes the door of the room in which Blight is sitting, that door he leaves open, he goes to the street-door, which he opens, and leaves it open, he opens the gate in the front of the street-door, he turns round to the counting-house, the door of which he unlocks and passes on to the privy through the counting-house, and, according to the testimony of Kitchener, he raps the door of that privy hard, which of itself does not fall to hard, but he raps the door of that privy hard, and, as she described, she instantly saw the flash of a pistol at the door of the parlor where her master was sitting, and before she could reach the dresser, which, according to my recollection of distance, is rather further than from me to the Prisoner,* her master came into the kitchen, rested upon the dresser, and stated himself to be a dead man, putting his hand upon the wound which had been, in the time I have mentioned, inflicted upon him;—the maid-servant rushes forward, and finds the street-door and the gate open, and she immediately does that which instinct, I think, under such circumstances, suggests, she shuts that street-door to, it went upon a spring lock, and by the time she has got it to, the Prisoner at the bar is knocking loudly for admission at that door.

Now, Gentlemen, the only difficulty that I have seen in this case, if it deserves the name of one, is that which grows out of the representation I have now given of Kitchener, *as to time*, because she says that having heard

* Four or five feet.

the Prisoner slam the door of the privy, she *instantly* saw the flash at the door of the parlor, and if you are to take that representation to be literally correct, and to mean what you and I should mean by *instantly*, if the door of this Court was to be thrown to, and I at the same instant should level a pistol at you, to be sure the thing is impossible; but may I not, even in a criminal case of this high importance, ask you whether your own constant and hourly experience does not teach you, that in the most tranquil seasons, but above all in seasons of alarm, if you were called upon to recollect when such a thing succeeded another thing, is there any circumstance which we describe or measure so ill, and with so little certainty and precision, as time?—do not you hear persons of the highest respectability differing even as to hours in their narration of the same transaction? this must be familiar to us all; if any man will ask himself of any occurrence that has happened to him, take it in sickness or health, in times of business or pleasure, take it in any of the ordinary transactions of life, and it is one of those things about which there is the greatest difficulty: If indeed there were nothing else in the cause but this—to be sure you would give great weight to the expression coming from the witness, that she saw the thing at a time at which I, for the prosecution, admit, taken in the strict letter of the expression, is impossible, because the same person could not be at the privy and the parlor-door at precisely the same moment; what I state is, that the Prisoner either went to the privy, or had the appearance of going there, instantly returned and shot the deceased, and then went out for the purpose which I shall state presently, and returned to the door the instant the girl had shut it.

You will not forget the state of the tide as I described it to you; you will be so good as now to learn, that in the front of the house there is a paved court enclosed by palisadoes and a gate; in the front of that there is a wharf, upon which there is not common street dirt, but that sort of soil which will, in the

course of this trial, turn out to be not unimportant, the dirt arising from the breaking up of ships; you will by and by see the importance of that observation; upon the door being opened, the Prisoner came into the house, and flew immediately to the assistance of Mr. Blight; there was an interchange of affectionate expressions between them, and a desire, on the part of the Prisoner, that assistance might be immediately fetched, and you will find the servant got out of the kitchen window, and went to Frost's, who had been there the preceding night; he came immediately, and will describe the state in which he found him.

I take the liberty of saying, that my view of this cause is, that *the evidence will exclude the possibility of any other person than the Prisoner having committed this horrid act;* this is my first position; and I will tell you upon what it stands, the gates of the yard were close shut and fastened; the small gate was close shut, the state of the tide was such that nobody could have escaped that way, and to put it out of all doubt, there were, most providentially, within view of all those parts from which any stranger who had found access to the house of Mr. Blight and shot him could have escaped by land; I mean in contradistinction to their escape by water over the wharf; there were, I say, assembled several persons, who will be called as witnesses, one of them bearing a lighted link, who will tell you, with absolute certainty, that in fact no person did escape that way—could they, then, escape any other way? No, for the reasons which I have already stated, that if they had attempted to escape by the wharf, they would have had the chance of breaking their necks by the height they must necessarily jump, or of being suffocated in the mud into which they must immediately sink; therefore, my position is, that this is the only hand by which the murder could have been perpetrated.

Now, Gentlemen, to see whether there are not circumstances to induce a belief that the Prisoner did perpetrate the murder, we find him in a situation

in which, if he had the guilty purpose, he might with ease accomplish it. He has his friend sitting now in a state approaching towards sleep; he goes for a real or for a pretended purpose from him; he absents himself long enough certainly to go to the counting-house, if in that counting-house there was an instrument of death, and that time enough to return back again into the house. Give me leave to ask, what would have been the conduct of an innocent man, placed as the Prisoner was, in relation to Mr. Blight, upon the evening of Monday the 23d of September, if he had occasion to leave him for a single moment? If he was persuaded that his life was in danger, he well knew how the fact was; his conscience could inform him whether the shot of the preceding Thursday was the shot of an hostile hand or his own. If he was really impressed with an opinion that Mr. Blight's life was aimed at (for he disclaims any suspicion that any body means to attack his own), would he have left his friend in the circumstances that I have stated? Would he have left him with the door of that parlor open in which he was then composing himself to sleep? Would he have passed through that street-door in order to go upon his own necessary occasion without pulling it after him? For the spring lock, without any effort of his, would have shut it. Would he have passed with his key to the counting-house, and then on to this place,* shutting that counting-house door after him; and, above all when he heard the alarm of the pistol-shot, would he have been found in the place in which the evidence finds him? If I have excluded evey other hand; if I have shewn you the probability that the Prisoner was the guilty hand, you will ask me another question. You will ask me, *what was, or what could be the motive* for a deed of such complicated atrocity? Generally speaking, Gentlemen, when that question is put to a prosecutor's counsel, he has but an unsatisfactory answer to give. There is no motive that

* Pointing to the privy, and other parts of the premises, on the model, as described on the plan annexed to the trial.

can be adequate to make its impression upon a virtuous and good mind to occasion the death of one of his fellow-creatures. We must search into other causes for motives than into the causes which spring out of virtue and morality; but we do know, that those causes are to be found in the bad and corrupt passions of the human heart; that envy, jealousy, long-conceived hatred; above all, Gentlemen, I am afraid *the love of inordinate gain*, which can be obtained only by putting another to death, are found in the history of the depravity of the human heart, to be causes that produce these dreadful events. I shall shew that these causes, up to a most alarming degree, were certainly operating upon the Prisoner at the bar. I shall shew, by his declarations previous, I shall shew by his declarations subsequent to the murder, that there is not only the utmost probability, but that the circumstances almost exclude the possibility, of charity hanging a doubt upon it that he did the deed; and that he did it for the causes which I have stated to you.

Gentlemen, let us look at the pecuniary concerns of this gentleman; and let us see how the Prisoner conducts himself upon them; but before I come to that, it may be proper to proceed a little more in the detail of the narrative of the transaction. I have said, that in my judgment there is no other hand that could have done this. Well, but is there any body else upon whom any suspicion has fallen? Yes, there is; and we shall see who has created that suspicion. Is there any man whom the common acquaintances of that man, and Mr. Blight, can point out as a man likely to do this? I remember a case, a very remarkable one, which I am sure his Lordship will recollect; and probably you may have heard of the case of a man of the name of Bensteed, prosecuted at Bury, who had long had a grudge with a neighbouring farmer; he had impounded his cow, and when the man went to feed his cow, he set a boy, who was half an idiot, with a gun, when that man came to feed his cow, to shoot and destroy him; this proceeding from malice, an old grudge: Show me some man that had a grudge against Mr. Blight, and

then I will look about, and see what account that man can give of himself at the time this murder was committed.

You will find that one of the most intelligent persons with whom I have the honor to be acquainted, to speak of whom in his peculiar profession is to name excellence in that profession, I mean Mr. Astley Cooper, was called upon to attend Mr. Blight in consequence of the wound which he had received, and he did that which was natural for every body to do, but which it was abundantly the duty of the prisoner to do, to look about to enquire who could have done this, to search his own recollection, and enquire of others, upon whom the suspicion might fall, and trace that suspicion home. Mr. Cooper asked Mr. Blight, is there any body that you suspect? now, Gentlemen, I entreat your attention to this circumstance; the enquiry is made by Mr. Cooper, in the presence of the Prisoner; the deceased is asked, Is there any body that you suspect? the good man himself has a mind free from all suspicion, the last man in the world upon whom his suspicions could have fallen certainly was the Prisoner; he had, indeed, no suspicion of him, nor of any body else, but his answer to the interrogatory of Mr. Cooper was this, " Mr. Patch has mentioned to me that there is reason to suspect one Webster."—Mr. Patch tells me, there is reason to suspect one Webster—Upon what ground does Mr. Patch suspect one Webster? how has he followed up his suspicion? what has he done?—has he desired any body to go and see whether Webster was at home?—has he desired any body to find out his haunts to enquire about him?—what, again, is the ground upon which his suspicion rests? Mr. Cooper, upon hearing this, naturally says, addressing himself to the Prisoner, " Who is this Webster?" oh, a man who is suspected of having stolen Mr. Blight's planks, *and whose son has absconded.* Now, if the surrounding circumstances of a transaction will lead the world to look to me as the perpetrator of a deed of guilt, I shall best protect myself by getting rid of that suspicion, by giving it a

different direction, and turning it to another.—Let me see, then, whether this is a bona fide suspicion of the Defendant, whether he did really suspect Webster, whether he had any ground upon which to suspect him, or whether he did not know that it was a groundless assertion, made only to divert Mr. Blight's mind from his real murderer. One should have thought that however painful and distressing to the mind of a dying friend to entertain a suspicion which would attach the crime of base black ingratitude, of an inhuman unnatural attempt against his life, to be executed by deliberate and most determined unheard-of contrivance and artifices, to one who had been living under his roof and protection, and deriving all his benefits from his generous friendship; I say, however painful such a suspicion must have been, and however reluctant the human mind would naturally be to give it reception, yet if Mr. Blight had been left coolly to deliberate upon all the extraordinary circumstances of his most calamitous case, it was next to impossible that a suspicion should not have glanced at the person now accused as his murderer.

It was therefore well to discard all that suspicion, or to prevent its arising in the mind of the deceased, by giving it another direction, and the Prisoner gives it a direction to Webster; then you will take it for granted that he gave some information to the magistrates against Webster, that he put the Police in activity against Webster; he tells Mr. Cooper not only that he is suspected by him, because he has stolen some of Mr. Blight's deals, he tells him his house has been searched; that generates resentment; and above all, to confirm the suspicion, his son has absconded—who told him so? I will prove that there is not the least foundation, in fact, for the assertion; I will prove that Webster was not the murderer, by shewing where he was, and fully accounting for his time; I will prove that his son never did abscond, and that therefore the Prisoner never could have believed that he did; he had, in fact, left London some time before,

and did not return until some time after Mr. Blight's death.

Well, but is there any body else to be suspected? Yes, a man of the name of Clarke, and upon what ground? why, forsooth, because Mr. Bright had a great quarrel with him about building a wharf; did the Prisoner cause information to be made against Clarke? did he put the law in motion, or do any of those things which the friend of a person who has been murdered would be prompt to do, to bring his murderer to condign punishment? None of this, and I shall, with respect to Clarke, though it does not appear to be necessary, I shall prove to your entire satisfaction that these persons, Webster and Clarke, were certainly not guilty of the murder.

We come now, Gentlemen, to consider a little the conduct of the Prisoner afterwards, and here, too, observe the motive I attribute to him.—You ask me what it is? I answer, it was to possess himself of the business of Mr. Blight, either entirely, for that appears sometimes to have been his object, or at least of one-third of it, without paying the remainder of the consideration, and of this, I think, out of his own mouth, I shall satisfy you beyond the possibility of doubt; then if the rest of the world had no motive—if the rest of the world are excluded from the opportunity—if this man has all the opportunity, and more than enough of motive to act upon a corrupt mind—have you not evidence sufficient to enable you to arrive at the conclusion?——I have much more for you to consider, when you have discussed these in your minds—you will recollect I stated that 1000*l.* remains still unpaid—that it stood upon a draft demandable upon the 20th of September, in substitution for the 16th, that the draft of the 20th is withdrawn by a letter written by the Prisoner to the Bankers, stating that Goom was not able to face this, but that he had given him a security as an equivalent, with which he is satisfied.—Well, then, he owes Mr. Blight 1000*l.* and promises to pay him by a draft upon Goom. What is his right to draw

upon Goom?—why, that he had sold his estate, received the purchase-money, and lent it to Goom.

Gentlemen, innocence and truth are always consistent; they do not go into any devious paths to fetch something that is not true, because the truth always serves them best.—Now, is there one word of truth in this representation? had he received 1000*l.* as the produce of his estate?—I say no—if he had, we shall hear the evidence: had he lent 1000*l.* to Goom? had he drawn upon Goom with his knowledge and permission? had Goom told him that he could not take up the draft due upon the 16th? had he, at Goom's request, renewed it, payable upon the 20th? had he then learned from Goom, that he could not face it upon the 20th? had he, by Goom's desire, forbid the bankers to present it? had he, from Goom, received any other security with which he was satisfied so as to justify the representation he had made?—No, not one word of truth in the whole of this representation; on the contrary, he had never lent Goom any thing, he had never had any communication with Goom upon any subject, he had not communicated to him that he had drawn upon him, he had not called upon him to pay that which he had no right to draw for, he had not learned from him that he could not face that, which by law he was not called upon to face; Goom had not given him any security in lieu of that; on the contrary, you will find Goom was acquainted indeed with the brother of the Prisoner, but for many years past had not had any intercourse or communication whatever with the Prisoner—Well, but if this is all false, why all this invention? why, it was to lock into a state of security the unfortunate man who was the subject of his machinations, and to make him believe that the remaining 1000*l.* should be paid also:—but after the death of this gentleman, how does this Prisoner represent the transaction? Mrs. Blight is fetched up to town by the Assistant of the Surgeon, with considerable expedition; she knew the anxiety of her husband upon the subject of the 1000*l.* remaining

due to him: she knew that his anxiety was increased upon his receiving the letter upon the 20th, which was silent upon the subject of that 1000*l.*—She knew that one of the main objects of his visit to London was to procure this money to be paid, about which he had now become somewhat alarmed; and therefore, when she came to London, she asked the Prisoner, has that money, which gave my husband so much uneasiness in his later hours, been paid?—What is the answer of the Prisoner? He tells the wife that that sum of 1000*l.* has been paid, and that Goom had promised to come to breakfast with Mr. Blight on the morning of the Tuesday, at eight o'clock, and came within five minutes after the time appointed. Had this money been paid?—No, it had not.—Had it ever been demandable?—No.—Could the payment of it at any time have been inforced?—No.—Was there any such transaction as a real transaction?—No.—Must the Prisoner have known this?—I answer, yes.—Why, then, did he misrepresent the fact?—Why, but that he might possess himself of the property of the man he had murdered, and tell the world that he had paid the consideration.

But this is not all—this would have entitled him to one-third only of the property and profits in the trade, under the articles of the 31st ot August, 1805; but when Mr. Blight was now removed from this scene, the Prisoner appears to have had another purpose, and to have intended to possess himself of *all*,—and here you will find most important observations indeed, growing out of that never-to-be suspected and most satisfactory source;—what the Prisoner himself says, what he says deliberately, what he says upon consideration, what he says upon being warned, what he says, knowing that his dearest interests are at stake; and when, unless he chuses to speak, he might be silent: I spoke of three papers, a bill of parcels enumerating the property, a receipt importing a receipt from Mr. Blight, for 2065*l.* 4*s.* the consideration for that bill of parcels; and there was, in consequence of a petition presented to the City for

a renewal of the lease, a letter written from Mr. Blight to Patch, stating, that petition has gone in my name, but the lease will be renewed in your's. These papers, at the time they were framed, were deposited with Mrs. Blight. After she arrived in town, and when her husband was dead, she found them in his dressing-room, in a tin case, as they had been delivered into her possession: they had been delivered to her expressly to be by her kept for a double purpose, as I stated before, that of either being withdrawn from view or presented to view, as the exigencies of Mr. Blight's affairs might render expedient. If his creditors came upon him, then they might be presented, in order to keep up the appearance of all his effects being the property of the Prisoner at the bar; and if the creditors did not come upon him, then they might be thrown into the fire.

The Prisoner was examined before the Coroner upon the death of Mr. Blight; what he said there I shall not presume to state, because his Lordship will, I apprehend, be of opinion that I could not regularly read it, inasmuch as it was taken upon oath. I shall therefore pass over that which passed before the Coroner, as I cannot make it evidence; but upon his return from the Coroner, the Prisoner stated to Mrs. Blight, that it would be necessary for him to be put into possession of those papers which her husband had formerly executed, and delivered to her to keep, and he gave this reason for it, that he had been examined before the Coroner, touching that property, and had stated that it all belonged to him. Stated it all belonged to him!—Is that true? Had he every thing that had belonged to the deceased?—(You will find in the course of the evidence, I believe, that he stated, to one of the witnesses, that the remains of a ship, called the Carnatic, and even the furniture of the house, to the value of 237l. was his; upon which the witness observed, that it was singular that Mrs. Blight should have parted with all her furniture). But he says, I have stated to the Coroner, that all this is my property; and therefore— What? Therefore I must have my title deeds; I shall be questioned about this again. What title deeds are there about this property?

Why none which accompany a legal transaction; which you, Gentlemen, know, as to moveable property, is usually transferred by a bill of sale; certainly something of more formality than appears here. It speaks, therefore, that it was a mere colorable transaction: the Prisoner gets possession of these papers, and now he is apparently proprietor of all that there is upon the premises, and so he represents himself to be. You will be so good as to recollect, that I told you that all the money he ever paid was 250l. of the consideration of 1250l. One thousand pounds still remains due; and you will find this man asserts, before the Magistrate, that he began business the 15th of July, 1805, upon his own account; that at that time he became the proprietor of all the property, that he had paid for it, (2065*l.*) by different sums, at different times, to Mr. Blight; that the papers had been delivered to him by Mr. Blight, contemporary with that transaction; that they had been delivered to him in the presence of Mrs. Blight, that she was perfectly acquainted with it, and that it was all a real transaction. He states, that these deeds had remained in his possession from the 15th of July; whereas, I will prove, that it was not till after the death of Mr. Blight that he obtained possession of them, and in the manner which I have stated.

He stated, that when he came to town he had 1200*l.* in his possession; that he lent it in small sums to Mr. Blight, at different times, till the 15th of July, 1805, when they came to a final settlement, and that then this transfer of property took place.

Now, Gentlemen, have I not stated to you motives sufficient to operate, not upon a virtuous mind indeed; you might offer the wealth of the Indies to a moral virtuous man to induce him to engage in a deed of guilt; he spurns your offer, and will not embrue his hands in blood; and therefore, if we are to wait till we can produce to a Jury a consideration for murder adequate to move a moral mind to commit murder, we may shut up all our courts of justice; there is an end to all enquiry. But if you find this man, in the moment of pressure to pay a large sum of money, totally unprovided

for it; if you find him fabricating false papers, and producing them as true; if you find him representing to the person interested in the paper, that it is satisfied, and afterwards representing to the representative and executrix of the deceased that the debt is paid; if you find him, at another time, describing that this is a real transaction, for which he paid 2065*l.* as the consideration; do you not find a tissue of falsehood upon every part of the subject? Do you not find all these artifices employed, upon all that is important, to negative guilty motive, to cast suspicion from himself, and to induce those who hear it to believe that it belongs to another.

But, Gentlemen, we shall find other very important circumstances in that which the Prisoner represented upon this subject afterwards. I have told you, that when Mr. Blight came to town he was anxious about this 1000*l.* pressed for payment, and desired the Prisoner to take his horse, and go to town, and not come back till he had procured the money. The Prisoner has denied that he was sent upon any such errand. He admits, indeed, that he went to town after Mr. Blight came home, and that a person of the name of Thomas Graham was present, at the time when he was sent. But what did he go for? Oh, not upon any business of importance; he went to a Mr. Grey, about some timber; and his attention being drawn to the subject, and being asked whether he was not particularly desired by Mr. Blight not to return without the money, he expressly answers, No, Sir. Now, I will prove, by Mr. Thomas Graham, that having his boots on, the Prisoner came to Mr. Blight, and asked him for his spurs, and Mr. Blight told him, take care that you do not return without that money, and he said, I will not return till I have settled it.

Why did he deny this, if the truth is as he has sometimes represented, that this paper of Goom's was a paper which Mr. Blight had desired him to lodge at the Banker's, that it might give the banking account a better appearance? An odd way of giving it a better appearance, to send in a draft due the 16th of September,

and then withdraw it for one of the 20th, and then go and say that the man cannot face it on the 20th. If it be true, that Blight knew that this was a colorable paper, how happens it that the Prisoner has been giving these various and contradictory accounts of the transaction? Yet this is the manner in which he gives the account of it.

Now, Gentlemen, we shall pursue a little the demeanor of the Prisoner afterwards upon other subjects: you will find him thus contradicted by Mrs. Blight, as to his representation of his possession of the papers, and payment of the consideration-money; as to the transaction with Goom; as to his going to London to obtain the payment of the money. You will find that, whilst some of the witnesses were under examination before the Coroner, the Prisoner at the bar, to whom at this time no suspicion had pointed, against whom no charge of any kind had been made, for he was examined as a witness *upon his oath* (which makes it impossible for me to read what he said); you will find this person thus totally unsuspected, and thus examined as a witness before the Coroner, expresses a degree of anxiety about himself, you will see whether you can reconcile his conduct with the supposition of pure innocency: to me I own it appears impossible. Hester Kitchener was a most important witness before the Coroner. I think so far any man might go to such a witness: he might say, do not suffer yourself to be embarrassed; take care, speak the truth, and nothing but the truth. If a man said this, and no more, nobody could impute blame to him. You will tell me whether the conduct of an innocent man will justify his doing what I am about to state; (you will be told that the Prisoner addressed himself to this important witness in some such language as this:) Hester, you will be asked a great many questions;—there is a great deal of whispering;—there is a suspicion of me; take particular care what you say. And then in a way that would be objectionable at the bar, what we call leading a witness: "You know that I came to you for a candle?" "I shall tell the truth," says the girl. —"You know that you heard me go out of the street,

door?—you know you heard me unlock the counting-house door?—you know you heard me go across the counting-house?—you know you heard me slam the door of the privy?—you know that *instantly* you saw the flash."

Gentlemen, I can only say that, according to my view of things and experience of mankind, this is a conversation which I cannot reconcile to innocence, or the consciousness of innocence. Why meddle with the Crown's witness at all? Why not leave her to the discreet examination of the Coroner? Why, above all, fix in her mind the only circumstances which can for a single moment raise a doubt or cloud about the guilt of the person holding the conversation? Why mark the circumstance of his being at that precise moment at the privy, which would render it impossible for him to be at that moment at the parlor-door?

You will be to say, whether the impression made upon my mind is the same with the impression upon your minds. But you will find that afterwards, not content with this, to his own sister he engages in a very extraordinary conversation: "Sarah, there are strange suspicions about me;—you will be asked a great many questions;—take care what you say." And upon another occasion, he ordered a woman at the public-house, where Kitchener was waiting, in order to be examined, to carry his compliments to the servant, with some wine, and to desire her, above all, to take care to tell only one story, that they only confined her to see whether she would change her story. To tell only one story! What two stories could the girl have to tell? She has but five or six sentences to utter. If truth was to direct the story she should tell, and he was conscious of being innocent, why should he suspect that she should be disposed to tell any thing to his disadvantage. God knows, that if she was left to herself to tell her own story, it would be short enough. You will find him not only by himself, but by others, desiring this girl to be particularly careful in the languages he held; and though I mention it last upon the subject of his declarations, it is not the least worthy of attention. You will find him

himself, upon his return from one of those examinations, stating, (I use his own words,) "I have been as near hanging myself as any man ever was, and if I had I should have been as happy as I am now." There may be much or little of weight in this obfervation; I find this upon the depositions. It is my duty to state this to you: you will make the observations that belong to these facts; and you will suffer them to make the impression which they ought to make, and not to go beyond the due impressions.

Gentlemen, we shall find the Prisoner, in other circumstances, contradicting a fact extremely important. I state to you, that no other person could have effected this murder, and have escaped. I do not now enter into the detail why: I will shew you that presently, when I come to open the model. The person who perpetrated this deed was under the necessity somehow of getting rid of his pistol. If you ask me, how the evidence supposes him to have accomplished it, I answer, the evidence affords you this fact, that in the course of that evening, certainly the Prisoner at the bar had been without his shoes in some place, where he might, if he was so, pick up the sort of dirt which was to be found on the wharf, in the front of Mr. Blight's house, upon the stockings which he then wore, and therefore it will be for you to say, whether when I shew you that he did so, it is not proof as much as can be expected in a case like this; especially when you attend to the account which he gave upon the subject of those stockings, and consider the place and manner in which they were found; that after he had committed the murder he ran out to the front of the wharf, threw his pistol into the Thames, and returned back time enough to knock at the door when the girl got to it.

You will find the circumstances of these stockings extremely important: it will be proved that the prisoner was in the constant (I believe I should not overstate it if I said in the uniform) habit of wearing boots, almost without exception; Kitchener, and Mr. Jones, a surgeon, will tell you this, and he will be proved to have had his boots on in some part of the day on which

Mr. Blight died. Had he his boots on at the time Mr. Blight was shot? We will ask the Prisoner that. First, he tells you, that he had his boots on, and it were well for him if it was so. He says, he believes he had his boots on; he is not certain whether he had his boots on; he rather inclines to think he had: he had not his stockings and shoes on; he does not believe he had his stockings and shoes on; he is almost certain he had not them on. One should think he could be in no great doubt about it. If a person had been to London about business in his boots, and was in the habit of keeping them on till he went to bed; and if, in the course of this particular evening, he had pulled them off, not for the purpose of putting on slippers to go to bed, but to put on shoes, he could not, I should imagine, have forgotten that circumstance.

I will prove that upon the death-bed of Mr. Blight, after he had received his mortal wound, the Prisoner was not in boots, but with stockings and shoes on. Well, but is there any thing remarkable about these particular stockings? Oh; most remarkable — Gentlemen, there are facts in this cause, any one of which seem to me to lead to the conclusion, to which I am seeking to lead you, but which together seem to me to form such a body of evidence as it is impossible to doubt upon. The Prisoner has a pair of stockings produced to him before the Magistrate. Are those his stockings? No, he does not think they are his stockings, he is almost certain they are not his, most of his stockings are marked with pen and ink; he finds no such mark, and is almost certain they are not his! Well, but he has another reason; he generally wore dark stockings, and wore dark stockings upon the day that Mr. Blight died, *that he is sure of*, and boots; and he had no white stockings, but two or three old pair that he had not worn a great while past except on Sundays. Now, as the death was not upon Sunday, here you have him excluding, most expressly, the having worn white stockings on the day of the murder; I will prove, to your utmost satisfaction, that he had on white stockings, that he had on ribbed white stockings, such as to-day I shall produce to you.

Well, it seems odd that a man should not be at an absolute certainty whether those which are shown to him are his or not, these stockings were found by an extremely intelligent minister of justice, Mr. Stafford, in the sleeping room of the Prisoner, were they found in his foul clothes bag, twisted up or thrown in carelessly, to send to the washerwoman? No, all his linen had been sent to the washerwoman upon the morning of the Monday; it is not unfair to presume that every thing worn before that Monday would be sent to the washerwoman, and that those which were afterwards dirtied, and which were not sent, would not have been found in such a state as at first view to give the appearance of their being clean. You will see these stockings, and you will find that the feet of them are plaistered with that sort of mixed soil which would be found upon the wharf of Mr. Blight; that they were curiously rolled up, the ends drawn over in the way in which the washerwoman sends home your stockings after they are sorted into pairs. Upon these being presented to the Prisoner, he tells you he did not wear such that day, he is sure that he wore dark stockings, and is almost sure he never dirtied any of his stockings so much. Now, you will find that the upper part of the stockings are not so dirtied, and that the feet of these could not be brought into that state by the ordinary wear of them, but could be brought into that state by a person passing softly in his stockings, that he might not alarm the man sitting here, whom he intended to shoot, or the servant girl sitting there, who were both within the sound of his feet, if he had walked in the ordinary way in his shoes.—You will find they are in such a state as if a man, wishing to get rid of the fatal instrument, after he had perpetrated the murder, had without shoes retired on to the wharf in order to throw the pistol into the Thames.

But, Gentlemen, this is not all; you will have concluded, by what I have already said to you, that I am not in the condition of producing any pistol to you today, because, otherwise the observations I have been making, upon the supposition of its having been thrown into the Thames would not be founded, but there is be-

hind a most important circumstance, indeed both as it is connected with the fact of the murder, and as it is connected with the demeanor and conduct and conversations of the Prisoner. It may, perhaps, before I proceed to that fact, be useful that I should now make you more intimately acquainted with the state of the premises, and you will look at this (a model) to see whether I am founded in many of the observations which I have made; that it is impossible, for any other person to have committed this murder, and to have escaped, for the reasons I have stated; this is made upon a scale, and will be proved by the person who made it, or under whose inspection it was made, to be perfectly correct; you will suppose, that at the extremity beyond the board is the River Thames, where the vessels are lying for the purpose of being broken up—this is the wharf where they were in the habit of breaking up the ships, and where there would be that mixed soil which I have described to you.

This is a small door in the front of the house, and this the window through which the ball was fired on the night of the 19th, the Prisoner being, as he represents himself, at that time sitting in this, which is the front room, looking towards the river. Now, in order to discuss that part of the subject, which relates to the 19th, we will see how any person could accomplish the object of firing in there, and could have escaped. These are the great gates of Mr. Blight's yard, and this the small door or wicket; here you have the Thames at a considerable depth of fall from the margin of the wharf, and here is a large crane; you will be most perfectly satisfied, without the least difficulty or doubt, that the person who fired the pistol upon the 19th stood close to that window at the time he fired; that he rested it upon the frame of the shutter; now, what is to become of him after he has discharged his pistol? we find the girl has been sent for oysters, the Prisoner, the only person remaining at home, runs out instantly; there is no other way, by which the man that fired the pistol could possibly escape, but by these gates; then did he escape by these gates? No, I shall call a man and his wife, who were standing here,

who heard the explosion; to whom the Prisoner instantly ran, asked if they had seen a man running; they said they had not, and if any body had come out of these gates, they must have seen him; then, what other modes had they to escape? none by the river, as I have stated, on account of the state of the tide, and the mud in the river;—the premises of Mr. Blight are surrounded, as this model represents, by a close paling, and with a slight pallisadoe at the top, not sufficiently strong to resist the weight of any of you, Gentlemen, to whom I have the honor of addressing myself; especially if in haste he should attempt to escape over them; they are, indeed, not sufficient to bear a boy; these remain perfectly unbroken at this time, and therefore I may venture to say that any man who fired a pistol here upon the night of the 19th, could not possibly have made his escape this way; thence I infer, that the Prisoner is the man who fired the shot on the 19th;—why did he do so? if he did it, why did he do it?

One of the Jury. What height is the crane? is it a crane-house?

Mr. Garrow. No, it is not a crane-house, but a very large unwieldy crane; what they call in the trade a gibbet crane. Gentlemen, the question that has been put from your part of the Court, appears to me a most important one; all questions put from your part of the Court, upon all points, are indeed most important; I apprehend the object of it was to see whether there was such a house, as that an individual could conceal himself in it; it is not so, and the purpose for which I introduce the mention of the crane is one not extremely necessary in my view of the subject, but it is a large unwieldy crane, standing in such a situation that it is impossible for any person, from the wharf, to have fired in this direction, without being intercepted by this crane.

One of the Jurymen. That appeared to me to require explanation; it appeared to me extremely material that it should be known whether it was such a place as a person might hide himself by.

Mr. Garrow. For the present, I will state that there is certainly no such means of concealment; it is suggested

to me by my friends, of Counsel for the Prisoner, and I will certainly attend to any suggestion of theirs, in a case where they can have no opportunity of addressing you; and I hope they will believe that I shall endeavour to give it its whole effect; they desire that I will state, as certainly the fact is, that there was lying about, in various parts of this yard, and very close up when I saw it, and I suppose so at the time, the 19th, large quantities of timber, the produce of the vessels broken up; the object of my friends in stating this fact is, I suppose, to shew that some person that had committed this fact might have concealed himself there among such timbers.

We will see whether that could possibly afford any ground of defence to the Prisoner; their scheme, consistently with the innocence of the Prisoner, must be this, that somewhere here, in the space which I now describe by my pen upon the model; for this is the only part of the premises, on which a person could stand, to take an aim at this part of the window, the person who fired on the 19th must have stood; what became of him then, after he had fired? the Prisoner searched all the wharf himself, and no person was to be found; did the person who fired run this way? the Prisoner who run out upon the alarm, must have met him immediately; if he came out this way, Wright and his wife, who were standing there, must have seen the person, if he escaped there; and the observation that I made to you, of what the conduct of the Prisoner would have been, if he had a fair persuasion that this was an hostile shot, is confirmed by an observation, more important than any that can be made by an advocate for the Crown; an observation made on the spot in the instant, by the person who first came in, Mr. Wright, who said, if you think this was done for the purpose of mischief, to you or Mr. Blight, you ought to advertise this in the paper to-morrow; the Prisoner assented to the propriety of that observation, and said, he would certainly advertise it on the morrow, with a reward of 50*l.* but he did no such thing—he did that which answered his wicked purpose better; he sent a letter to his friend Mr. Blight, which brought him to town immediately.

If any body is disposed to ask me why should this shot be fired upon the 19th, if it was not intended to injure any body? why should the maid-servant be sent out to give an opportunity to fire it? why all this alarm? my answer is perfectly ready; it was in order to prepare the way for the catastrophe of the 23d; in order to create a belief in the mind of the neighbourhood, and the public, that mischief was intended to Mr. Blight; it was in order to remove all suspicion of the person, whose own life appeared to have been put in hazard, by this blow which was intended for Mr. Blight, but had nearly destroyed the Prisoner, for he stated that it struck the Venetian shade against his head; it was, finally, for the purpose of making that representation to Mr. Blight, which was to bring him to town, at the moment when the 1000*l.* was demandable, but not payable; and when this object of removing him out of the way was to be accomplished; I say, that this was the object, upon the supposition that there are grounds, for you to believe, that the Prisoner is the murderer.

I remember a case, (the recollection of which was confirmed by the impression which this case made upon me, when first I heard of it,) where a servant of Mr. Adam, a Gentleman in the neighbourhood of Mims, represented that he had kept out ten people, who had attacked the house of his master the night before, that he had shot several of them, and the blood was tracked. Being in the neighbourhood, spending my vacation, I had the curiosity to go to look at the premises, and I took the precaution to send to Bow-street, to desire that they would take care of the man who was the guard; for I felt no doubt, that the story of the attack and resistance, was intended to pave the way for his robbing his master's house; it soon afterwards became serious; he gave out that he had been shot at in the grounds; shot he certainly was, but he shot himself, and having taken an aukward aim, he gave himself a mortal wound in the back; he afterwards confessed it all to be a contrivance of his own, and that no attack of any sort had been made.

Now, Gentlemen, I have stated what the state of Mr. Blight's premises was, on Thursday the 19th; I will, with your leave, examine what the state of them was, if any thing is more important than another at the more important period, the time of Mr. Blight's death; the family had been accustomed to sit in *this room*,* then I suppose that Webster, or that John O'Nokes, or some other person, had, upon the Thursday, intended to shoot Mr. Blight, and that he intended to watch for his opportunity; that he had bespoke, in his own mind, that the firing upon the Thursday would bring him probably to town, and that he would be upon his watch for the purpose of shooting him; thank God, this is not very probable, for it is not the temper of the worst of people in this Country, in the worst of times, to be guilty of deliberate assassination, as was once observed by a great Magistrate, though that is certainly the crime charged against the Prisoner; there is not one of us that does not go about with perfect consciousness, that if any man entertained a fixed determination to take our lives, there is nothing so easy; we can look for protection, not to any precautions of our own, but must rely on Providence, and the laws; our own houses we have, however, always been disposed to consider as affording us the best chance of security; that is the last place in which to apprehend danger, but his own house did not afford protection to Mr. Blight. Now, we will suppose some guilty person had determined to take the opportunity of taking Mr. Blight's life, in his own house, where will he expect to find him? certainly in the front parlor; we have directed an experiment, to light up this back parlor, in which Mr. Blight was in fact killed, to shut the shutter, and see whether any body without would know whether he was there; you might illuminate it as much as you please, and nobody from without would know that there was an inhabitant there.

L. C. B. MACDONALD. Has the same experiment been made in the other parlor?

MR. GARROW. I do not know that it has, but I think I can safely say, from my own observation, that the same

* The front parlour where the shot of the 19th entered.

experiment might be made in the other room; they would certainly have seen if any body had gone there upon the Monday, that there was no light in the room, because there was a shot-hole left, and if there were lights in the room they would have been perceptible through that shot-hole; therefore, I admit, that the murderer going there, would not find the object of his attack in the front room; how is he to divine where he is? why I will tell you, if he is not in the front room, he is in the back room; how shall we find the assassin going to work? I think, by coming here,* where he might stand, and firing through a shutter, he has an opportunity of doing it, and he can escape immediately, for here is a large yard belonging to Mr. Blight, with old timber and water-barrels, and other articles of the trade lying about, upon which a person might raise himself, fire in, and instantly run away, without the least difficulty; he has his choice of two things, either to come on the outside of the premises, fire a random shot through the shutter, which may or may not take effect; or do it in the way the murderer did, come into the passage, and to the door of the room in which Mr. Blight is sitting, and then take a deliberate aim, himself, unseen, most commodiously, as I ascertained myself, for I placed one of the gentlemen who accompanied me, in the chair, and if I had had the purpose, I could have shot him dead, inflicting the wound where Mr. Blight received his; the distance, I think, is not greater, than from whence I stand, to you, the Jury.

Now, if the Prisoner at your bar is not the murderer, who is? nobody has asserted that Mr. Blight killed himself —nobody has suspected Hester Kitchener—then, if the Prisoner is not the murderer, it must have been somebody from without. Now, we will see what such a person has to do, before he commits the murder, and what afterwards. In the first place, he has to find his way upon this wharf, and at what season? at a season when his own act, upon the 19th, which has failed in its object, has created an alarm, not only in the minds of the inhabitants of the house, but of all the surrounding

* Pointing to the model of a window in the back parlor, which commanded the chair in which Mr. Blight was shot.

neighbours; at a period when, in all probability, he will meet with a warm reception, when they will be armed who never armed before, when they will be, to borrow an expression from the Prisoner, when they will *be all the evening upon the alert.* Is this the time and manner in which the enemy approaches? does he give you notice that he means to come, and warn you to be prepared. Well, but he is to have some other fortunate coincidencies, in order to enable him to come; you will suppose this door to be shut, and so it was, let him prowl here as long as he will; he harms not me; I am snug (pointing to the model) here by the fire side with my friend; I am in a state the most secure; the Tower of London cannot place me in a situation of greater security; open the door, and the murderer comes in with perfect safety, especially if he will take off his shoes, and pace in his stockings; there he finds me almost in the arms of sleep, having drank my grog in order to compose myself to rest; leave the door open, and he can certainly go out of the house and throw his pistol away; but *who* can do this? no man but the man who, by some spirit of divination, knew what the occurrences of that night would be—no man who did not know that Patch would have a disorder in his bowels—no man who did not know that against all probabilities, he should leave his friend and go out when one would have made almost any shift, contrived almost any thing, rather than have left him so—but above all, would you have gone out at this street-door, and have left it open, when, by only pulling it to, you would have shut it by its spring lock, giving to your friend or servant the trouble to open it when you should have satisfied the calls of nature? would you have left every barrier open, as if to admit some person, whom you had expected to come? yet, some how or other, it happened, that if a stranger has murdered Mr. Blight, Patch has been the innocent cause of it, for he has given to the murderer the only means of access that he could have had; he has put it, in the only way in which it could be done, in the power of the murderer to accomplish it.

Well, all this the stranger from without has to do before he can take the fatal aim; he is to know it, that all these doors would be left open; against all probabilities he is to know that it would be probable that at precisely the same hour when the shot was fired before, and persons were probably upon the look-out, Patch was coming out, in order to take this circuit; here is the parlor door where Mr. Blight was sitting; this door of the house falls to with a spring, he passes through here, comes into the counting-house, passes along the counting-house, passes along the store-house, and here comes finally to the door of the privy, (pointing out these places on the model.)

There is a circumstance in this case that I must mention; here is, where I point now, a door out of the kitchen to the privy, almost close to it; I ask, how happened it that, in this hour of alarm, any person of that family, wanting to go to the necessary house, should have gone out at the street-door, and gone through the counting house, and taken all this circuit, when they might, in a moment, have opened this kitchen-door, and gone to the privy. The answer, it is due to justice to state, it is that that door was shut, not only shut to, but, I believe, it was fast nailed up; another answer occurs; I must speak of things as they are, I must not be hampered in this important cause by any notions of indelicacy; if there are any persons here who feel an objection to hearing it, they must take that upon themselves, I must not neglect my duty, I must not be paying compliments, to any scruples of that sort, in a Court of Justice.

In a common case, at ordinary seasons, it might be said, surely this going out at the front door and through the counting-house, was a better course to take, because, here, in the kitchen, was a female, and you do not choose to declare the pressure of these calls of nature, to a person of the other sex; but that is put out of the case here, for Mr. Patch declares to the servant-maid, that he must take a candle, for he is going to the privy, being very ill and disordered in his bowels, and therefore, there would have been no more want of delicacy if he had said he wanted to go out the other

way. Well, but it was nailed up; I have said, that under these circumstances, especially if Patch is to be believed in a part of his narrative, that he had, from the disorder in his bowels, occasion to visit that place more than once in that evening; if it be true, too, that when Mr. Blight wanted to go out to make water, that he was in such a state of alarm, that he would not trust himself out, without Patch accompanying him to guard him, I think it is not saying too much to say, that in such a case, and under such circumstances, the nails of that door would have been drawn; but, however, I do not press that; it was shut up, and he does not go this way through the kitchen. Then the person who is to commit this murder is to know he was to have the means of it, to know the precise moment, at which he should have the means of committing this murder, and have an opportunity to escape; what is to become of him after he has accomplished his purpose? he is to get away, and do that as quick as possible;—how is he to do it? he has but one way, and that is to retire from this passage where he has taken his aim, to return by his own steps through this gate, and so out to the wharf; the maid-servant meets her master at the dresser—the instant the ball enters his body, she rushes past him, shuts the door, and that instant Patch knocks at the door to come in.

Where is the murderer now Patch has arrived here; he is knocking at the house-door within half a minute of the time when the fatal ball had entered Mr. Blight's bod—where is the murderer? has the Prisoner seen him? did he run against him? did he encounter him? No—why, if he did not go that way, where did he go—he must have come here.

Here, Gentlemen, see again the interposition of Providence for the detection of guilt; these gates were locked, and the small gate made fast; the girl went to call Mr. Frost, because she knew that they were so, and was afraid of re-opening the front door of the house; she jumped out of the kitchen window, and Frost will tell you that he was under the necessity of getting over that gate; well, then, the murderer did not escape that way; if he had, the five people with a link must have

seen him pass; and here, again, is a watchman; all these persons will tell you that at the period when Mr. Blight was murdered, no man escaped out of the premises, no person came out but the servant girl.

One of the Jurymen. How long had that door in the kitchen near the privy been made fast?

Mr. Garrow. I understand for some months, and we will take it, if you please, that was a door which they were constantly out of the habit of using.

Gentlemen, the coincidencies which could have given to any other man than the Prisoner the opportunity of killing Mr. Blight, have some additional circumstances worthy observation; if he knew Mr. Blight was come to town, if he expected that he was to come to town, in consequence of the alarm occasioned by the first firing, the probability was, that his wife should be with him; the probability was, that he would have had some neighbour with him; but the murderer takes the chance of waiting here; probably he might have waited all night without success, if it had not been for the disorder in the bowels of Mr. Patch; the murderer comes fortunately when the gentleman, being disordered in his bowels, leaves all the doors open; he comes in at that time, and finds this unfortunate man sitting there in a dose, most conveniently placed for inflicting the mortal wound; he shoots him, and returns.

There is one circumstance more, of considerable importance, indeed, in this case. I have shewn you the description of the privy; it is not a necessary-house, properly so called, with a large cesspool; but it is a sort of make-shift privy, and with a tunnel running down into the soil; we have not found the pistol, but have found that which you will have no difficulty in saying is the ramrod which rammed down the charge which killed Mr. Blight. Now, where did we find this? We found it in the tunnel of that privy. Oh, but you might be disposed to say, (for it is a great satisfaction to me to see how attentive, and inquisitive, and anxious, you are to discharge your duty satisfactorily,) you may say, well, what do you make of that? finding a ramrod in a privy, that is probable enough. But we find this ramrod in

the privy, under circumstances which make it impossible but it must have been the accessary to this guilt. You will find the person at the bar describes himself to have been disordered with a looseness; to have had some relief from his motion, that when he heard the pistol fired, he immediately jumped up, and, while holding Mr. Blight by the hand, he tucked his shirt into his breeches, and so on, shifting his hands till he had accomplished it. In this trunk is found a ramrod, with some wadding attached to it; in what state will you expect it to be found? You will expect it to have been found in a state which would render it improper to be exhibited here, soiled, in a manner indicative of the disease, with which the person who had recently frequented that place, had been distressed; you will hear, for I make no apology about these observations, I shall call to you a nightman; he will tell you he examined this critically, and that there was no appearance of any person having been recently there, who had any looseness upon him; but, on the contrary, that the soil was perfectly solid, and the ramrod lying upon the soil, untainted by any thing that could have been discharged from the human body in any state of looseness, or any thing which approached towards that state; and you recollect the account the Prisoner gives of his own state is, that he was extremely distressed, that he could not wait a moment, that he snatches the candle, and goes out in great haste. With respect to this, however, if you think it too critical with respect to the spattering on the tunnel, or if you consider it possible that any fluid soil might have been absorbed, dismiss the observations of the nightman from your minds;—but that this was the ramrod that had rammed home the fatal charge, you will entertain no doubt. And now, let us hear what has been the conduct of the Prisoner upon that subject. If a nightman had, in your presence or in mine, if we had been drawn by curiosity to hear the testimony upon this subject, produced a ramrod, and stated he found it in Mr. Blight's privy, we should have said, perhaps, that is fortunate, because sometimes these little things do elucidate mysterious circumstances, and sometimes tend to

bring offenders to justice; some such observation might have escaped us, but nothing more I think.

Gentlemen, I am instructed that the moment the prisoner heard that the ramrod was found in Mr. Blight's privy, he exclaimed, I have nothing to do with that, I did not place it there. Who had told him that any body suspected he had placed it there. Who had whispered to him that there was any suspicion that he was the murderer. Who had given him any reason to believe, that the uncharitable world even, had pointed at the bosom friend, the companion, the person raised from misery and distress to a state of affluence and comfort, by the man who was murdered. Who had told Mr. Patch, that even the censorious and uncharitable world suspected him to be the murderer. (in truth at this time no such suspicion had been hinted or entertained.) It will be for you to say, whether that silent monitor within, which, though in general by its still small voice, it admonishes in secret, now and then betrays the guilty into declarations, which evidence the perpetration of secret crimes; had not suggested to him that this was a damning proof of his guilt. When you come to recollect that if it had been a stranger that loaded this pistol, if it had been a stranger that had killed Mr. Blight, no such stranger could have had the means of depositing the ramrod of that pistol in that privy of Mr. Blight.

These are the circumstances, which we, on the part of the Crown, have to lay before you. I have probably omitted many that may be important.—You observe that I have, as well as I could without fatiguing you, by referring to notes, stated these from memory alone. I assure you I have felt great anxiety to discharge my duty faithfully. No doubt I shall be found to have omitted many things I shall be better pleased to find that I have been guilty of omissions, than to accuse myself of having pressed upon you, any facts or observations, that should be found not fairly to bear upon the subject. I am addressing men assembled under circumstances which

Printed by H. Tuppe, Tower-hill.

do great honor to the learned person who has so assembled them;—I am addressing persons who have shewn that they are aware of the great and important trust that is committed to them.—I have executed my painful duty too under the superintending controul of great learning and experience, that will correct all my errors, and point out to you all the defects in my statement. I told you before, that I meant to make my address an index to you, and not an argument by which you should arrive at the conclusion of guilt.

I sit down, praying that the Supreme Disposer of Events, in whose hands are the issues of life and death, to whom all hearts are open, and from whom no secrets are hid, may enable you to discharge the important duty cast upon you, in such a manner, as to do justice between the Public and the Prisoner; and to afford satisfaction and consolation to your own minds and consciences to the latest hours of your lives.

EVIDENCE FOR THE CROWN.

RICHARD FROST *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. I believe you kept a public house, called the Dog and Duck, near the premises where the late Mr. Blight lived.

A. Yes.

Q. How many yards do you think that is from Mr. Blight's premises?

A. About sixty yards?

Q. On the Monday when this unfortunate gentleman met with his death, did you receive any alarm, and from whom?

A. Between eight and nine I received an alarm from the servant, Hester Kitchener.

Q. In consequence of what she told you had happened at Mr. Blight's house—did you go to Mr. Blight's premises?

A. Yes.

Q. How did you attempt to enter?

A. I came to the gate and found it fast.

Q. Did you try the wicket?

A. No.

Q. How did you get in?

A. I got over the gate.

Q. Do you mean at the door that goes to the wharf?

A. I did.

Q. Did you find it open?

A. I cannot charge my memory whether it was open or shut,

Q. Whom did you find in the house, and in what state did you find Mr. Blight?

A. I saw Mr. Blight sitting in an arm chair, on the left-hand side of the fire-place, in the back room.

Q. Was it in the room where there had been a shot fired, sometime before, or the other room?

A. Not that room, but the back parlour.

Q. Was any body with him at that time?

A. I saw Mr. Patch standing in the room; I did not see any body else.

Q. In what state was Mr. Blight then?

A. He sat in a chair supporting himself by his two hands—I went up to him; I did not stop above a minute or two before Mr. Patch asked me if I would fetch Mr. Jones, Mr. Blight's surgeon.

Q. Did you go for Mr. Jones?

A. Yes.

Q. Did you stay with Mr. Blight till he died?

A. Part of the time, not all the time.

Q. When did he die?

A. Seven or eight minutes before or after three o'clock the next afternoon.

RICHARD FROST,

Cross-examined by Mr. SERJEANT BEST.

Q. You were fetched by Hester Kitchener?

A. Yes.

Q. When you came you found Mr. Patch standing in the room assisting the deceased?

A. I did not see him near Mr. Blight.

Q. He was in the room with him?

A. He was.

ASTLEY COOPER, Esq. *sworn.*

Examined by Mr. CONST.

Q. You were called in, I understand, soon after Mr. Blight was shot?

A. About three hours afterwards.

Q. State the situation in which you found him, and what passed while you were there?

A. I found him lying upon the floor of a room, which, I understand, was called the back parlour; Mr. Jones, the surgeon, who had brought me there, just pointed out the wounds which were existing upon his body; but in the crouded state in which the room was, and he lying upon the floor in a very inconvenient posture for examination, I desired that he might be carried up stairs to-bed; this was done, and still finding the room crouded, I ordered every person from the room, except Mr. Jones the surgeon who called me there, Mr. Younger a surgeon at

Rotherhithe, Patch the prisoner at the bar, and a Mr. Ferguson, who, I understood, was a friend of the deceased. I then examined into the state of the wounds; I found that there was one wound on the fore part of the body, about two inches from the navel, and that on the right side; another wound in the loins, on the same side the interior of those wounds, that near the navel having the common character of a gun-shot wound—of a body having entered with great velocity; on examining those wounds with attention, I saw the contents of the bowels passing out at each wound, and as his body was already considerably inflated, I pronounced the wound to be mortal; recommended a light dressing upon it, and that he should be kept as free from pain as possible by opiates.

Q. You staid some time in the house?

A. I staid until the next morning, at about seven o'clock.

Q. Did yon then again see the deceased?

A. Soon after I had been satisfied with respect to the nature of the wound, seeing that it was mortal, it naturally struck me, that it was my duty to enquire, as far as lay in my power, as to who had committed the act, and that particularly of the person who suffered those wounds.

Q. Was this in the presence of Mr. Patch?

A. It was in the presence of Mr. Patch and Mr. Ferguson—I said to Mr. Blight, Is there any person whom you suspect to have committed this act; his answer was, No, God knows, I never did any man an injury which could lead him to wish to take my life, but, he added, Mr. Patch has mentioned to me a man of the name of Webster. I then turned to Patch, not wishing to press any unnecessary question upon the deceased, and said, Who is this Webster? he answered, He is a man who was suspected of having robbed these premises, against whom a search warrant was granted; his house was searched, and his son has since absconded: upon this I said, Surely then, you should send immediately to Bow-street, to have

officers down, his premises should be again searched; to which Patch answered, No, for nothing would be found, and if nothing was found I should certainly be shot, or they would certainly shoot me; which of those expressions he used I do not recollect.

After a time, it was suggested to me, that Mr. Blight's affairs were not settled; I went to Mr. Blight's bed-side, and, in as tender a way as I could, I represented to him, that his situation was not entirely divested of danger, and that, therefore, if his affairs were not settled, he ought now to arrange them; he said, I have a draft of a will, but it is not signed, and, indeed, I wish some alteration to be made in it—I said, Then if the will is brought I will make what alterations you suggest; the will was brought, as far as I recollect, by Patch; that he went out of the room to fetch the will; I then said, Now, Sir, what alteration do you wish to be made; he answered—I wish Mr. Richard Patch and Mr. Robert Ferguson to be added, as executors, to the name of Mr. Ewell. I introduced those names into the will, added the plural for the singular throughout the will, and then writing that the interlineations were written by Mr. Blight's will and consent; it was given to Mr. Blight, who at first opposed it, and at last, by a considerable effort, took a pen in his hand, and very unsteadily, and with difficulty, signed the will. I then went to bed, and at about six, or half past six the next morning, or scarcely so much, Patch knocked at my door, and said, Mr. Blight is in great pain, and is anxious to know whether you can do nothing to save him: I answered, I am afraid it is impossible, but I will rise immediately; I rose and went into the room, and found Mr. Blight in a great deal of pain, extremely restless, his belly very much swollen; he told me, he had slept an hour and an half during the night, but that then he was in a great deal of pain: soon after this I came to London, under a promise of coming at about four o'clock in the afternoon, and of bringing a physician with me; at rather before four, Dr. Babington and myself went down to Mr. Blight's

house, and we found he had been dead about three quarters of an hour.

Q. You afterwards, I believe, opened the body?

A. I opened the body.

Q. For form's sake, I must trouble you to say, whether the wounds you have described were the cause of his death?

A. Undoubtedly—his bowels were very much cut in three different places.

Q. Did any thing pass respecting the will?

A. Just as I was about to quit the house, perhaps from what resulted from conversation which passed between people present at the examination, I was induced to say to Mr. Patch It is right that the will (which I had in some degree a hand in making) should be deposited in safe custody; therefore will you give it to me. Mr. Patch immediately took it from his pocket; he made no difficulty, but gave it into my hand: it was sealed, and deposited in the hands of a person whose name I understand was Brent.

ASTLEY COOPER, Esq.

Cross-examined by Mr. GURNEY.

Q. At what period was it when you asked for the will, and Mr. Patch gave it you?

A. At about half past four, or from that to five o'clock.

Q. Within an hour or so after Mr. Blight's death?

A. Two hours after.

Q. That was the day before the Coroner's inquisition?

A. I do not know.

Q. The Coroner's inquisition had not been then held?

A. No.

ONE OF THE JURY. Who was present in the room at the time Mr. Blight slept an hour and a half?

A. That I cannot tell.

L. C. B. MACDONALD. Was the prisoner present as long as you were present in the course of the night?

A. He was.

Miss ANN LOUISA DAVIS *sworn.*

Examined by Mr. POOLEY.

Q. Do you know where Mr. Blight lived?

A. Yes.

Q. On the 19th of September last, in the evening, were you coming by his premises?

A. Yes.

Q. At what time?

A. Between eight and nine o'clock in the evening.

Q. Was it dark or light?

A. Dark.

Q. Do you know the gates of Mr. Blight's premises?

A. Yes.

Q. When you came opposite the gates of his premises, was there any thing that attracted your attention?

A No, it was after I had got beyond the gate, towards the corner of the alley.

Q. You were going from Deptford to Rotherhithe?

A. Yes.

Mr. CADOGAN *sworn.*

Examined by Mr. GARROW.

Q. Upon what scale did you make this model?

A. A quarter of an inch to a foot.

Miss DAVIS's *Examination resumed.*

Q. How far had you got towards the alley?

A. So that I could just see the gate.

Q. Was any body in company with you?

A. Yes, my *Sister*, a *Lady*, and a *Servant*. I saw the flash of a pistol and directly heard a very violent report.

Q. Could you tell from the situation in which you were, where that pistol had been fired?

A. It appeared to be on my right hand on Mr. Blight's wharf.

Q. Could you form any opinion upon what part of the wharf the pistol was fired?

A. I could not.

Q. Did you stand still in consequence of hearing the pistol?

A. I did. I stopped for about two minutes.

Q. While you were standing still, did you see or hear any body upon the wharf?

A. No one.

Q. Were you in such a situation that if any body had got over the pales after the pistol had been fired you should have seen them?

A. If they had got over on that side of the house, I must have seen them.

Q. Did any body get over the pales?

A. I saw no one.

Q. Your attention was directed that way; you should have seen them if they had, and no one did?

A. No one that I saw.

Q. Did you hear any noise in Mr. Blight's house?

A. No.

Q. Did you hear any door shut or open?

A. No.

Q. Did you hear any thing, as if any body was moving about the house?

A. No, I do not think I was near enough to have heard.

Q. You went on from Mr. Blight's towards Rotherhithe?

A. Yes.

Q. Did you meet any one?

A. No.

Q. Did you stop when you came to the Dog and Duck?

A. No, I saw some men there.

Q. That is the house in which Mr. Frost lives?

A. Yes.

Q. After you heard this firing, and you were standing still for about two minutes, did you observe

any body come from Mr. Blight's house on to the wharf?

A. Nobody.

Miss MARTHA ELIZA DAVIS *sworn.*

Examined by Mr. CONST.

Q. You are the sister of the last witness?

A. Yes.

Q. You were with her on the evening of the 19th of September?

A. Yes.

Q. Do you remember hearing a pistol fired at the time you passed Mr. Blight's house?

A. Yes.

Q Did you at that time observe any body stirring on Mr. Blight's premises, or coming from them?

A. I did not.

Q. If any person had passed from the premises, were you so situated that you must have seen them?

A. Yes, I was.

MICHAEL WRIGHT, *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. Where do you live?

A. In Russell-street.

Q. Were you returning from Deptford on the night of Thursday, the 19th of September?

A. Yes.

Q. At what hour?

A. I suppose it might be ten or twelve minutes after eight o'clock.

Q. Had you then occasion to go by Mr. Blight's house and yard?

A. Yes. I could not go without going by.

Q. What happened at that time?

A. As I was coming along, about sixty or seventy

yards before I reached Mr. Blight's gate, there was a man rather intoxicated, lay on the ground, under an alder tree; I said, you had better get up and walk home, it looks dark, as if it would rain by and by. A man going in with a lantern, said, I have been speaking to him two or three times, and he will not get up. As I was just talking, I heard the report of a gun or a pistol.

Q. From what spot did it appear to you that that report came?

A. That I cannot be answerable for.

Q. How long after you heard the report, did you see any body about Mr. Blight's premises?

A. I did not see any one till I got up to the gate, then I saw Mr. Patch standing in the street.

Q. What passed between you and Mr. Patch?

A. Mr. Patch asked me if I had met any one running down the alleys.

Q. If there had been any person running in the direction from the gate towards you, must you have met him?

A. I must have met him.

Q. And you saw no one?

A. I saw no one.

Q. What was said by Patch to you?

A. He asked me if I would be so good as to step in with him, somebody had fired at him, or he had been fired at, one of the two expressions. I said I hope not. He said, Yes, I wish you would step in till my servant returns, or till the servant returns. I went in with him. He said I will fetch a candle, and shew you where the ball went through. He took a candle, and I saw a hole through the shutter, and likewise through the lower part of the window frame.

Q. Did he take you inside, or shew it you outside?

A. I cannot recollect exactly which, but I saw the hole through the lower part of the frame of the window-shutter: I took the candle to look about for the ball, in the inside of the room—I could not find it; in the mean time, in came Kitchener, with some oysters. Mr. Patch said, I have been fired at, or I have

been shot at, Hester, since you have been out. After she came in, I again took the candle, and looked about for the ball. Kitchener picked up a ball, three or four feet from the window, apparently to me—I took it from her, according to the best of my recollection, and looked at it, and it appeared to be a half circle; it appeared as if it had been cut, or flattened against something; the ball appeared to me as if it had been cut, it did not appear to be above a half circle.

Q. Did you say any thing to Mr. Patch upon this?

A. No, we withdrew just after that into another parlour. I asked him if I should fetch any body to sleep in the house that night, that I thought it was very alarming.

Q. What did he say to that?

A. He said, I need not give myself that trouble, or he was much obliged to me, or something of that kind—he did not accept my offer.

Q. Did you mention to him where you thought the shot might have come from?

A. A little after that, I said, perhaps it might be a shot fired from a police-boat, after a boat with some smuggled goods, or something of the kind. Mr. Patch said, no, he did not think that was the case; was it so, he should be content in his mind, that there would not be any thing more of it, that there would not be any more fear of any thing. I said, if I was him, I would advertise it by hand-bills the next morning, and likewise in the public papers.

Q. What answer did Patch make to that?

A. "You may depend upon that," said he, "and I will bid fifty pounds reward."

Q. When Patch said, that if it had been any thing from the water, he should think there would be no more of it, did he suggest who or what kind of person it might be?

A. No; not in the least.

Q. Was any thing said at the time, by Patch, in what room the family sat in an evening?

A. There was something, but I cannot clearly recollect it; nor could I, when I was in the house

before Mr. Graham, any farther than that Mr. Blight was gone down to Margate. He said, that he was not very well, he had sent for a few oysters, and intended to go to bed soon that night.

Q. Did you see Mr. Frost that evening?

A. I fetched Mr. Frost the publican myself.

Q. What passed between Mr. Frost and Mr. Patch, when Frost came.

A. I asked Mr. Patch if he had any fire-arms in the house. He said he had a pair of pistols, that cost five guineas. I said they must be very good ones at that price; but he said he had not got any ammunition in the house. Mr. Frost said he would supply him with some.

Q. What did the prisoner say to that offer?

A. I cannot recollect whether he accepted it or not: There were no candles in the house, they went out, I understood, to get some ammunition and candles. We all went out together.

Q. Did you leave him with Frost?

A. We all went together to Frost's house, and I parted with him at Mr. Frost's door.

MICHAEL WRIGHT,

Cross examined by Mr. SERJANT BEST.

Q. I understand you, that you were near the watch-box at the time you heard the pistol.

A. Yes.

Q. That is on the Deptford side of the house; is not it?

A. Yes.

Q. How many yards is it from the house?

A. Between sixty and seventy yards, I think, from the gate.

Q. Did you pass on immediately from the watch-box to the gate?

A. Yes; immediately after the pistol was fired.

Q. How long were you getting from the watch-box to the gate?

A. I should suppose about half a minute, or a little better; but very little better.

Q. I believe you have always said it could not be more than half a minute?

A. Yes.

Q. When you came there, you found the gate open, and Mr. Patch standing at the gate.

A. Yes.

Q. You know these premises very well, I believe?

A. Not very well, it was the first time I was ever within the house.

Q. But you know the roads near the house?

A. Perfectly well.

Q. There is a road that goes as you come out from the gate on the left hand, and there is another to the right, that goes to Rotherhithe?

A. Yes.

Q. And there is one facing you, that goes up by the Canal?

A. Yes, there is.

Q. The road that faces the gate immediately leads up into the public road, does is not?

A. I believe it does.

Q. There are no houses upon that road till you get up to the public road?

A. No, I believe there are not.

Q. That road is two or three hundred yards long, is it not?

A. I cannot tell the length of it, there is a small house built there.

Q. You went with Mr. Patch, immediately into the house?

A. Yes; immediately.

Q. Where you continued for half an hour?

A. For more than half an hour.

MICHAEL WRIGHT.

Re-examined by Mr. GARROW.

Q. It is considerably up here, where that house is building the gentleman asked about?

A. No, it has been built some time; there is a house at the end of the lane.

Q. That is at a considerable distance from Mr. Blight's gate?

A. It is.

Q. You know this bend in the lane; suppose a person standing at this bend, would he not see any person who came out of Mr. Blight's gate?

A. I cannot exactly say whether I could see a person or not if I was standing in that place, I never took that notice.

ONE OF THE JURY. You observed to Mr. Patch, that perhaps it was a random shot fired from a Police boat, how could you imagine a shot from a Police boat could have entered that window the wharf being so high from the water at that time of the tide?

A. I was not aware how the tide was at that time.

ONE OF THE JURY. He said he had a pair of pistols which cost five guineas, did he produce them?

A. No.

RICHARD FROST *called again.*

Examined by MR. COMMON SERJEANT.

Q. Were you fetched to Mr. Blight's by the last witness Wright, on the night of the Thursday before Mr. Blight was killed?

A. Yes.

Q. When you came to Mr. Blight's premises did you see Mr. Patch there?

A. Yes.

Q. State what passed between you and Mr. Patch then?

A. When I went I saw Mr. Patch standing in the front parlour next the water. I asked Mr. Patch what was the matter?—He said he was sitting in a chair close by the table and was shot at. I asked him what he thought of it—where he could think the shot came from?—He said he did not know. I asked him if he suspected any body?—He said no. I asked

him if he had any fire arms in the house?—He said yes, but they were of no use for he had no ammunition. I told him I would give him powder and endeavour to find him a ball. While we were talking Kitchener came in, and said Mr. Patch there is no candle. Mr. Patch made answer and said, Mr. Frost will lend you some.—We came out of the room Mr. Patch, Kitchener, me, and Mr. Wright and Mrs. Wright.

Q. That was all that were in the house?

A. Yes,—we came out—shut the door, and went to my house.—When they came to my house, I asked Mr. Patch if he would accept of the powder and ball. —He said never mind he would go home and go to bed, for the villains would be there no more to night. —He went out and Hester Kitchener with him.

Q. You told us that on Monday you got over the fence—have you stated all you know of what passed that evening?

A. I have.

MR. WILLIAM KINNARD, *sworn.*

Examined by MR. GARROW.

Q. You are a surveyor I understand?

A. I am a pupil of Mr. Lewis's,

Q. Was that plan prepared by you?

A. I drew it and took it myself.

Q. From an accurate survey of the premises?

A. Yes.

Q. Is it correct!

A. It is.

Q. Does this model truly represent the state of the premises?

A. Yes, it appears to me to be perfectly correct.

Q. At the extremity of these premises here there is the river Thames?

A. Yes.

Q. The wharf extends on here to a paved court which is enclosed by a wicket-gate?

A. Yes.

Q. Having passed the wicket gate you come to the door of the house here?

A. Yes.

Q. Then what we call the front parlour is here?

A. Yes.

Q. This is the window where the first pistol shot was fired?

A. Yes.

Q. Close to the sill?

A. It is about two inches and a half above the sill of the shutter.

Q. And it has gone through close to the bottom of the lowest pane, has it not?

A. It has.

Q. You pass along that passage then leaving the front room on the right hand as you come into the house, you go to the back room?

A. Yes.

Q. And that is accurately described here?

A. Yes.

Q. There is one window looking on to the wharf, another that looks to the lane leading on to Deptford?

A. Yes.

Q. Here is the kitchen, and here the dresser close to the kitchen door?

A. Yes.

Q. If you go to the privy, through the counting-house, you go in this direction,—(describing it)

A. Yes.

Q. Have you observed the fence on this side of the wharf?

A. Yes.

Q. Is that a close paling?

A. It is.

ONE OF THE JURY. Was there any other way but through the counting-house when the door to the privy through the kitchen was shut up?

Mr. GARROW. No other way.

Mr. SERJEANT BEST. Certainly not.

Mr. GARROW. If any person stood at the angle, must not he have seen a person get over the gate.

A. He must.

Q. Is the fence on the side next the stone yard a close fence, and at the top of it a very slight pallisadoe that will yield to a very small force?

A. It is.

Q. What is the height of the pallisadoe?

A. It is nine feet six inches.

One of the Jury. What is the height of the fence to the right?

A. It is about five feet six inches

Mr. Garrow. If any person were to attempt to get over there, would it be strong enough to support him?

A. I think it would give way.

Mr. William Kinnard.

Cross examined by Mr. Gurney.

Q. Within this paling on the inside that you describe to be about six feet high, there was a quantity of ship timber that had been broken up?

A. There was when I saw it.

Q. Is this paling six feet high, or five feet six?

A. In some part I suppose it to be six feet, in others not five feet six.

L. C. B. Macdonald. Which height prevails the most?

A. I rather think five feet six.

Mr. Gurney. And there are, as there must be to support pales, inner rails running, what you call the arras rails, against which the pales are nailed, as this model describes?

A. Yes.

Q. The only incorrectness I have observed in your model (as I have seen the place) is this—this model describes the gates to have no inner rails—now are there not in the great gates three great rails, square bars, one near the bottom—one near the top, and one near the middle, which furnish steps, by means of which a person may get over the gate.—Could there be any difficulty in a person from the inside getting over this paling in half a minute?

A. I cannot possibly say.

Mr. Garrow. No doubt it was easier to get out than to get in.

Mr. WILLIAM KINNARD.

Re-examined by Mr. GARROW.

Q. Supposing a person to get out by this gate, and suppose the two Miss Davis's to be standing here—must not they have seen him?

A. If they were walking in that space, certainly I think they would see any body that got over.

Q. Suppose any person to have got over a fence, which I admit is easily done, the Miss Davis's to be here, and other persons here, must they not be visible to the persons on both sides?

A. Yes—but there is a lane opposite.

Q. If they run there, they would be visible to the person standing at the angle?

Mr. GURNEY. Would not that depend upon the degree of light? Do you mean to say that a person fifteen yards off must necessarily see a person passing from these gates to that private road?

A. It might be very possible they might not?

Mr. GARROW. What is the depth from the wharf to the mud at low water?

A. I did not measure it.

Q. Is it considerable?

A. I should suppose it is five feet.

Q. You do not know the state of that mud do you?

A. I do not.

RICHARD FROST *called again.*

Mr. GARROW. What is the depth from the edge of the wharf down to the mud at low water?

A. It is more than five feet, it is nearer ten feet.

Q. What sort of mud is it?

A. A loose clayey kind of mud.

Q. So that a person would sink in up to his middle?

A. No doubt of it, it is quite a clay mud.

HESTER KITCHENER *sworn.*

Examined by Mr. GARROW.

Q. Did you live in the service of Mr. Blight?

A. Yes.

Q. How long did you live there?

A. About two months.

Q. The family consisted of your master and mistress, yourself, and who else?

A. Mr. Patch boarded there, and one child of Mrs. Blight's; the other was at the boarding school.

Q. Do you remember the circumstance of your mistress going to Margate?

A. She went on Sunday morning.

Q. Did she leave your master at home?

A. No, he went to Margate with her.

Q. Did he go twice from home?

A. Yes.

Q. Do you remember your master going from home again upon Thursday, the 19th of September?

A. Yes.

Q. Who was left at home when he went?

A. Myself. Mr. Patch went with him in the morning, and returned home again.

Q. Nothing material happened till the evening?

A. No.

Q. Which room of the house did the family use to sit in an evening?

A. In the room facing the water.

Q. Did they do so constantly, during all the time you was in their service?

A. About a week before that they used to sit in the back parlor, and after that they used to sit in the other parlor facing the water.

Q. Where did they sit when you first went into the service?

A. In the back room, they sat there for about a week after I went; and after that they altered it, and always sat of an evening in the front room.

Q. In the evening of that day when your master went the second time to Margate, there was nobody at home but you and Mr. Patch?

A. No.

Q. What room did he sit in that evening?

A. In the front room.

Q. Where were you?

A. In the kitchen—in the evening at pretty near eight o'clock Mr. Patch sent me out for some oysters.

Q. You left him in the front room?

A. Yes.

Q. How long do you think you might be gone?

A. It might be nine or ten minutes, I was as quick as I could be.

Q. How far did you go for the oysters?

A. To Grove-street.

Q. How far was it from Mr. Blight's?

A. It might be about twice as far as the length of this room, I went for six-penny-worth of oysters.

Q. Did you have them opened?

A. No, I got them and returned.

Q. Where did you find Mr. Patch when you returned?

A. I found him in the yard, near the window, talking to a man and a woman.

Q. Did you afterwards learn whether they were Wright and his wife?

A. Yes.

Q. What passed?

A. He said, "Is that you, Hester, I have been shot at!" I said, Lord have mercy upon me shot at, whereabouts;—said he, "through the window here," pointing at it.

Q. Had you left the shutters of the window in the front room closed and fastened, when you went out for the oysters?

A. Yes.

L. C. B. MACDONALD. At what time of day did you shut them up?

A. At duskish.

L. C. B. MACDONALD. At what hour?

A. I cannot tell, we have no clock, I shut them earlier than usual. Mr. Patch said he was very poorly, he should go to bed soon, and he ordered me to shut the windows, which I did.

Q. They were outside wooden shutters, were they not?

A Yes.

Q. He shewed you the place in the window, where he said he had been shot at?

A. Yes, then we went into the house, and Mr. Patch sent Mr. Wright for Mr. Frost.

Q When he came, what passed?

A. I cannot rightly tell what passed, we went and looked for the shot; we were a good while before we found it, at last we found it underneath the window that it had been shot through.

Q. Were any observations made by any body upon this transaction?

A. No further than that they said it was a shocking thing.

Q. Who said so?

A. They all said so, and they wondered what it could be for.

Q. What did Mr. Patch say?

A. He said he did not know that he had an enemy in the world, or Mr. Blight.

Q. Did any one ask him whether he suspected any body?

A. Yes, I believe so, but I do not know what answer he made, I did not stay long.

Q. Did any body offer to stay with Mr. Patch that night?

A. Not that I know of.

Q. If any thing of that sort passed you did not hear it?

A. No.

Q. Was any thing said about fire-arms?

A. Not in my hearing, I was in the kitchen some time.

Q. Where did you go to afterwards?

A. I went to Mr. Frost's to get a candle, because I had no candle.

Q. Did you all go, and leave the house without any body in it?

A. Yes, I was afraid to go by myself, and so we all went.

Q. Was any search made about the premises, to see if any body was concealed there?

A. Not that night I believe.

Q. When you went to Mr. Frost's was there any conversation there about fire-arms or ammunition that you heard?

A. No.

Q. You got your candle and returned?

A. Yes.

Q. Mr. Patch was used to sleep in an apartment over the counting-house, the way to which was through a lumber room at the end of the counting-house?

A. Yes.

Q. Did he sleep there, or in Mr. Blight's bed that night?

A. He slept in Mr. Blight's bed that night, because I was afraid of stopping in the house by myself.

Q. And therefore he slept in Mr. Blight's bed for your protection?

A. Yes.

Q. How soon after this did your master come home from Margate?

A. He came home the next Monday about seven o'clock in the morning.

Q. Was Mr. Patch at home?

A. He was.

Q. Did you hear any conversation between them?

A. No.

Q. Do you know whether Mr. Patch went to London the day your master came home?

A. My master went out in the morning after breakfast, and then Mr. Patch went out.

Q. Did he go on horseback?

A. Yes.

Q. Had Mr. Blight been out on horseback?

A. Mr. Blight went out on horseback in the morning, and after he returned Mr. Patch had his horse.

Q. Had Mr. Patch boots on?

A. Yes.

Q. Did he usually wear boots?

A. Yes.

Q. After he returned, did you see him in the course of that afternoon and evening, before your master was shot?

A. Yes, he was along with my master.

Q. I believe you carried in tea?

A. I did.

Q Which room did they sit in that evening?

A. In the back room.

Q. In the room in which the family, for the last seven weeks, had not been accustomed to sit?

A. No, not in an evening.

Q. How was Mr. Patch dressed in the course of the evening with respect to boots or shoes?

A. He had shoes on.

Q. What colored stockings?

A. He had white stockings on.

Q. Did you make any observation whether they were ribbed or plain?

A. I cannot say that I did.

Q. In the evening of the Monday was every thing made fast as usual, with respect to the gates and all the out premises?

A. Yes, the gates were shut.

Q. Shut in the usual way when the men left work?

A. Yes.

Q. Have you any doubt, that Mr. Patch that evening when you carried in tea, had white stockings and shoes on, and not boots?

A. Yes, he had.

Q. You are sure of that?

A. I am sure he had in the course of the evening.

Q. Before your master was shot?

A. Yes, before my master was shot.

Q. That you are sure of?

A. Yes.

Q. Your front door opens into a paved court, does it not?

A. Yes.

Q. Does that door shut by a spring lock that you pull back with your hands?

A. Yes.

Q. And if it shuts nobody can open it from without unless they have a key?

A. Yes.

Q. Did you take away the tea-things after tea?

A. Yes.

Q. Had they any other refreshment?

A. They were drinking grog afterwards.

Q. Still sitting in the same back room?

A. Yes.

Q. And you were in the kitchen?

A. Yes.

Q. The kitchen door is nearly opposite to the door of that parlor, there is only the width of a pannel, about the size of the door difference?

A. Yes.

Q. You could not, where you were standing, see the parlor door?

A. No, I was standing by the fire-side, I could not see the parlor door.

Q. How soon after they had begun drinking grog did you see Mr. Patch in the kitchen?

A. I cannot tell how long, it was a few minutes.

Q. Did you carry in the grog, or did they make it themselves?

A. They made it themselves, I carried in the water.

Q. And in a few minutes after you carried in the water Mr. Patch came to you and asked for a candle.

A. It was in about half an hour after I carried in the water he came to me in the kitchen and asked me for a candle.

Q. Now give us his own words?

A. "Hester give me a candle I have got a violent pain in my bowels." I gave him the candle; he took the key of the counting-house off the dresser, he went out of the door, I heard him go to the counting-house, I heard the counting-house door open, and I heard him slam the counting-house door to after him, and I heard him walk across the counting-house very quick.

Q. Is there a lock to the counting-house door?

A. If you fling it hard it sticks without locking. I heard him step into the privy, and I heard the privy door slam to.

Q. Have you observed whether if you open that privy door and do not slam it, it will stand open or fall to?

A. I never took that observation. The instant I heard the privy door I heard the report of a pistol. My master came into the kitchen to me before I could get out of the kitchen; he came in—he came up to the dresser, and said (putting his hand to his side) "Hester, I am a dead man." I said, Lord have mercy! I hope not. I screamed out violently —I run and shut the street door.

Q. What state did you find it in when you came to it?

A. Wide open. I shut it—I was returning from it and had got about half way towards the back parlor door, and I heard a violent knock at the door.

Q. Had you got further from the door than the distance between you and me?

A. No.

Q. You have a large brass knocker at the street door?

A. Yes; I returned to the door. I found Mr. Patch at the door; his small clothes were unbuttoned when he came in.

Q. What colored small clothes had he?

A. Light colored small clothes.

Q. Are you sure of that?

A. Yes, I am.

Q. He must have been holding them with one hand I suppose as they were unbuttoned?

A. I cannot say.

Q. They were not about his heels?

A. No.

Q. Is it your apprehension that he was holding them?

A. I think he was holding them, but I cannot be certain. He came into the kitchen to my master,

and said, "Lord have mercy upon me, Mr. Blight, what is the matter?" I said, my master is shot!—my master is shot! Mr. Patch and I helped my master into the parlor, where he had been sitting when he was shot.

Q. Was there one candle or two in the room?

A. I cannot recollect; in general they had two; but I do not recollect whether there was one or two.

Q. Do you recollect whether when they had tea and grog, they had one or two candles?

A. I cannot.

Q. But they usually had two.

A. Yes. After we had assisted my master into the room, Mr. Patch told me to go and get some assistance. I said I was afraid to go. Mr. Patch said, take hold of Mr. Blight's hand, and I will go. I said, Oh! dear, you shall not go; I am afraid to be left alone—if I go, I will jump out of the window. I jumped out of the window—I hurt myself on the side—I went to Mr. Frost's, and brought Mr. Frost with me.

Q. How did he get in?

A. He jumped over the gates?

Q. Did you see any body in the course of your going to Frost's or returning?

A. I did not see a person,

Q Did you hear the conversation that passed after Frost came?

A. I do not recollect.

Q. Your master was laid upon his bed, and a Surgeon sent for?

A. Yes.

Q. Your master died?

A. Yes, the next day.

Q. Then the Coroner's Jury were summoned?

A. Yes.

Q. And you were examined before the Coroner's Jury?

A. Yes.

Q. Was every body admitted to that examination, or were you examined privately?

A. Privately.

Q. Did Mr. Patch say any thing to you, about what you knew of this transaction, and the evidence you was to give before the Coroner?

A. He said he did not know what to make of the people; there was strange ideas; and I was to speak the truth and nothing but the truth.

Q. How soon after your master died was the first conversation when he spoke of the strange ideas the people had got?

A. I believe it was the night before the Coroner sat.

Q. Your master died on Tuesday afternoon?

A. Yes; and the Coroner sat next day?

Q. It was before you went before the Coroner that he said this to you?

A. Yes?

Q. He was at large at that time, and was examined as a witness before the Coroner?

A. Yes.

Q. No body had been taken into custody at that time?

A. No.

Q. He was at large, carrying on the business?

A. Yes.

Q. What more did he say to you at that time?

A. There was nothing more said at that time.

Q. After you had been before the Coroner, do you remember his saying any thing more to you?

A. Nothing particular.

Q. Never mind whether it is particular; did he say nothing at all to you?—recollect yourself. Do you remember, when your mother and Stonard were present, Mr. Patch asking whether you knew any thing of this?

A. I do not recollect his saying any thing more.

Q. Was there any conversation about his going to the privy?

A. I do not recollect any more.

Q. Do you remember being in the same room with him, while your mother and Charles Stonard were present?

A. Yes; we were all together in the kitchen.

Q. Was that after you had been examined once before the Coroner?

A. Yes, it was.

Q. Do you remember any conversation with him about what you knew, or any particular circumstance?

A. I do not recollect any thing more.

Q. I wish you to endeavor to recollect; and, if you recollect any thing more—state it.

A. I cannot recollect any thing more.

L. C. B. MACDONALD. Was there any talk about what had passed before the Coroner?

A. No.

Mr. GARROW. Had you, at any time, any conversation with him, about the circumstances that accompanied your master's death?

A. Not that I recollect.

Q. Do you happen to know, either from your own knowledge or from Mr. Patch, whether he had been several times in the course of that day to the privy?

A. No, not that I know of before.

Q. Do you know whether in the course of the evening your master had gone out to make water, or for any purpose?

A. Mr. Patch and my master went out just before they called for water.

Q. Where did they go to?

A. Only just without in the court.

Q. For what purpose?

A. I cannot tell.

Q. Were they gone a short time?

A. Yes.

Q. Was it such an absence as might be occasioned by a person going out to make water?

A. Yes, I think it was.

Q. How long had they gone out together before Mr. Patch came for the candle to go to the privy?

A. A good while before that time; it was when I fetched the water for the grog; it was about half an hour before Mr. Patch fetched the candle.

L. C. B. MACDONALD. Is there any other privy belonging to these premises than that which you have been speaking of?

A. No, there is no other in the house but that.

L. C. B. MACDONALD. Did you ever before hear any person going backward and forwards when they had occasion to go there?

A. You cannot help hearing them.

L. C. B. MACDONALD. And you must hear both doors shut, must you?

A. Yes.

ONE OF THE JURY. How do you know that all the doors and windows were fastened in the evening rather early?

A. I fastened them myself.

L. C. B. MACDONALD. Were you the only servant in the house?

A. I was.

Mr. CHRISTOPHER MORGAN *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. I believe you live in Globe-lane, Deptford?

A. Yes.

Q. Were you passing by Mr. Blight's premises on the day when he met with this fatal accident?

A. I believe twenty minutes before nine I was passing by Mr. Blight's gate; when I came to the gate I received information of what had happened.

Q. Was any body with you at that time?

A. Yes, a Mr. James Berry.

Q. Did you go to Mr. Blight's door?

A. I went immediately with Mr. Berry, and knocked at Mr. Blight's door: the servant, Hester Kitchener, said, who is there; I said here is a friend, wishes to render assistance.

Q. When you were admitted, what did you observe?

A. I saw Mr. Patch advancing from the parlour door, where Mr. Blight was.

Q. Did you know Mr. Patch before?

A. I had seen him, but I never spoke to him before to my knowledge. Mr. Patch began to relate the circumstance of the shooting of Mr. Blight; I told him I thought no time should be lost in searching the premises, and I broke off his telling me. I asked him for a light; he ordered his servant to give me one: he followed me to the door with a lighted candle in his hand; pointing to an old vessel, he said, you had better search that first: when we got on the wharf, we found the vessel about sixteen feet, as near as we could judge, from the wharf, and no access whatever could be had to it.

Q. Was the water out?

A. It was low water. I then proposed seeing if any body had gone by the water; and we examined from one end to the other to see if the mud was broke, for if any person had gone that way, it must have plunged the mud and shewn it; we examined the whole of it, and it was not the least disturbed, it was as smooth as ice.

Q. Was it possible for any person to have made his escape that way?

A. I am convinced it was impossible for anybody to have gone that way; Mr. Berry and I searched over the premises.

Q. Was Mr. Patch with you at the time?

A. No. I should have observed, that Mr. Patch, when he came to the door, pointed to the vessel, and left us, and I did not notice where he went.

Q. Was the wharf at that time clean or dirty; had it been fair or rainy?

A. I believe it had been rainy, to the best of my recollection it was dirty: we then searched the out-buildings, and over the yard, and in the cellars under the house: after we had searched the premises, we returned into the house; we could not discover that any body had been in any part of the premises: then I saw Mr. Blight was laid on a bed in the parlor; I addressed myself to Mr. Blight.

Q. Where was Patch at this time?

A. He was in the house, by Mr. Blight; I heard the maid say at the door as when I went in———

Q. Was Mr. Patch within hearing when the maid said what you are about to state?

A. He must be within hearing; he was in the same room; she was standing at the door: the servant maid said, upon Mr. Blight's being shot, he immediately sprung into the kitchen—said she, I was very much agitated and alarmed; I went out at the window to call Frost. I then turned from her, and went to Mr. Blight's bed.

Q. What did you say to Mr. Blight?

A. I said, in the awful situation in which you are, it is necessary, for the sake of punishing the person who has done so horrid an act, that you should collect your thoughts for the sake of justice, that some measures may be used to apprehend the person that has done it. I pressed it to Mr. Blight whether he had offended any of his work-people, as he might have a number of the lower order at work for him at times, or whether, in any of his connexions in trade, he had any right to expect that any person owed him a grudge or ill-will; he told me no. I then repeated the question to Mr. Patch, as he was lying on his face reaching over the bed to hold a bottle to Mr. Blight's nose—he was in that attitude the greater part of the time I was talking to him. I begged of Mr. Patch to commission me to go to Bow-street; he told me he did not see the necessity of it: I told him an enquiry so early as that would be of infinite consequence. I repeated it three or four times, stating that he himself was in the same danger as Mr. Blight was, as he himself had been shot at the Thursday before.

Q It was a common report in the neighbourhood that he had been shot at the Thursday before?

A. Yes it was. Mr Patch then took me into the front parlour, to shew me where he was shot at himself, and the manner he was sitting in: he said he sat at the table, with his head leaning on his hand, and that according to the direction the ball

had taken it must have come within six inches of his face: he said that was the seat Mr. Blight was accustomed to sit in, and he had no doubt that the shot was intended for Mr. Blight, and not for himself: we then returned into the parlour, where Mr. Blight was: Mr. Patch said he had a pain in his bowels, that he found it necessary to go out, and he said to Mr. Blight, "I must go to the privy;" I do not like to leave you; he then said he went out, and left the parlor door and the fore door open. I told him I thought he was very wrong in leaving Mr. Blight unprotected, without fire-arms or any body with him; he said he did not think any harm, he did not see the danger. I asked him again to commission me to go to Bow-street; I told him I was certain there must be a cause; that human nature was not so depraved, for one man to shoot another, without a cause: he then turned to me, and said, he had as much right to suspect me as any man; that he had not the least conception who it was: I then, after advising him to apply for some assistance, in order to discover it, came away, when I found my services were not accepted.

Q. Before Patch told you that he had gone out and had left the doors open, had either he or Mr. Blight mentioned whether they had any suspicion previous to that night?

A. Yes; Mr. Patch said they had been upon the alert, upon the look out all the evening, for that they had expected a visit of this kind, and they had lately been on the wharf but a few minutes before.

Q Was it in consequence of that, that you observed to him that it was exceedingly wrong for him to have left these doors open?

A. It was just so; he had shewn me the hole that was made when he had been shot at himself.

Mr. JAMES BERRY *sworn.*

Examined by Mr. POOLEY.

Q. On the 23d of September, in the evening, were

you in company with Mr. Morgan, near the premises of Mr. Blight?

A. I went from my own house with him.

Q. You live near Mr. Blight's?

A. Yes.

Q. When you came there what took place?

A. We were going down to Mr. Morgan's house, at Deptford; as we were going through the alley we saw two boys standing by the gate.

Q. And in consequence of what they said to you, you went to Mr. Blight's premises?

A. We did, we went up to the door, Mr. Morgan knocked; the woman servant came to the door and said, who's there? Mr. Morgan said two friends, do you want any assistance? the answer she made was, no; we want none. Mr. Morgan said it is an extraordinary thing we cannot be admitted in a case of this nature, I insist upon coming in. While he was speaking in that way, Mr. Patch came up to the door, he immediately opened the door, as near as I can recollect, and I think he first began saying to Mr. Morgan; What a shocking thing this is that has taken place; Mr. Morgan said it is not a time to talk about that now, shall I go and search the premises for you? he said I will be much obliged to you if you will take that trouble. While that passed I slipped into the room, where Mr. Blight sat in the chair; I just saw him, and came out again instantly; by that time, Mr Patch, or the servant, had got a candle and lanthorn to give to Mr. Morgan, in order to go and search the premises; Mr. Patch then said to Mr. Morgan, Sir, I think the best way for you to proceed, will be to go on board the vessel breaking up.—He said, on the Thursday night that the pistol was fired off, we thought we heard a rumbling in that vessel, which induces me to tell you to go that way. We were then about to proceed to the vessel; Mr. Patch, the instant that we were upon the start to go to the vessel, took a candlestick with a candle lighted in his hand, and went to a very remote part of the yard by himself; he turned to the right, and went down to the further corner, next to the

stone-mason's yard; I lost sight of him for a small time: I thought it an extraordinary circumstance, a man going in that way by himself, I thought him a resolute character, I thought it rash in him going there when there was firing of pistols and killing people going forward—he was gone about a minute and a half, then he returned, and went into the house, and took no notice of either Mr. Morgan or me.

Q. After he went into the house, did you endeavor to search any vessel at the wharf?

A. Yes, Mr. Morgan was rather a-head of me; I came up to him instantly, and as near as I can calculate the vessel lay fourteen or sixteen feet from the wharf, with her heel off.

Q. Could you get from the wharf into the vessel?

A. No, there was mud between the vessel and the wharf.

Q. About fifteen feet wide?

A. About fourteen or fifteen feet wide—there was a round balk, or something of that kind.

Q. Could you tell if any body had gone upon that mud?

A. We looked, and there were not the least appearance of any feet having been down there.

Q. How low down was the mud from the wharf?

A. I suppose it might be about as high as that place (about twelve feet); we went round the premises, and looked in different parts.

Q. From the position in which that vessel was at low water, could any person have fired a pistol from thence, and have shot into the window of that room, so as to make the mark in the window-shutter?

A. No, they could not possibly have done it.

Q. How high is the mark in the window-shutter from the ground?

A. About three feet, I suppose, where the ball entered.

Q. And a person in the vessel must have been greatly below the wharf?

A. No, not if a person had been in the vessel, at

low water; I should think they would have been upon a level with the window, if the deck was in the vessel, but I do not know whether the deck was in or out of that vessel.

L. C. B. MACDONALD. What is your reason for thinking, that a person from that vessel could not have fired so as to hit that window?

A. Because the vessel lay slanting a little; I do not think a ball could have gone through the shutter direct, as that seemed to do; it seemed to come in a different direction.

Mr. POOLEY. After you made this observation upon the vessel at the wharf, did you see Mr. Patch again?

A. Yes, I saw him in the room with Mr. Blight; Mr. Blight was then lying on a bed.

Q. What passed then?

A. I was terrified a good deal, and did not pay sufficient attention to what passed to answer any questions.

Mr. JAMES BERRY.

Cross examined by Mr. SERJEANT BEST.

Q. It was a considerable time after the pistol had been fired before you searched the yard?

A. It appeared to me to be about twenty minutes before we began to search.

Q. How did you get into the yard; was the gate then open?

A. The gate was on the latch; I think it was not fastened.

[*The sash and window-shutter brought into court.*]

JOHN PRING *sworn.*

Examined by Mr. GARROW.

Q. Where did you bring that sash and shutter from?

A. From Mr. Blight's yard, this morning?
Q. Did you take them down?
A. No.
Q. Did you see them taken down?
A. No.

CHARLES STONARD *sworn.*

Examined by Mr. GARROW.

Q. Were you a labourer employed by the late Mr. Blight?
A. Yes.
Q. At what time did you leave your labour on the night of the 19th—the night when the first shot was fired?
A. I left my labour at six o'clock in the evening.
Q. Who shut you out when you left the premises?
A. Mr. Patch did the gates up that night.
Q. Mr. Patch fastened up the gates?
A. I cannot tell; I went out at the gates as other people did; Mr. Patch was there.
Q. How soon did you hear that any thing had happened in the course of that evening.
A. Next morning I heard Mr. Patch tell the people of it.
Q. Had you the curiosity to look at the place where the ball had passed through?
A. I saw where the ball had gone through the shutter.
Q. Is that the shutter the ball went through?
A. It is.
Q. Is this the sash that was shut up by that shutter, and through which the ball passed?
A. Yes, this is the lower sash.
Q. What height is this sash from the ground, when it is in its proper place?
A. About two feet nine inches.
Q. Now hold up the shutter, and shew me the corresponding hole in that.

[*The witness shewed the hole in the shutter and in the sash.*]

Q. Do you remember what the state of the tide was at eight o'clock that evening.?

A. It was low water.

Q. At low water, how far would a man have to drop, from the wharf to the edge of the mud?

A. About twelve feet, and the mud would be above his middle.

Q. So it was impossible for any person to escape that way?

A. Yes, nobody could escape that way.

Q. Had you a vessel at that time, breaking-up, along side the wharf?

A. Yes.

Q. Do you know whether her decks were in her?

A. I cannot say whether they were in or not; I know the deck was off; the beams were there.

Q. How did the vessel you were breaking up lie with respect to that window?

A. It lay towards the stone mason's yard; more that way than towards Frost's.

Q. Could any person, placing himself on board that vessel, and firing up the wharf, by any possibility have fired through that shutter and sash?

A. No, not as the vessel lay.

Q. Could he being ten or a dozen feet below, and at this distance—what was the distance across the wharf?

A. I suppose about twelve yards.

Q. Suppose I had a mind to stand down below, under the wharf, to fire at this window, do you think I could by any possibility take any aim so as to hit the bottom of that window?

A. No; if you was down below the wharf, you would have to fire a great height up the house.

Q. You have a large crane upon the wharf?

A. Yes.

Q. Is there not a crane on the side nearest Frost's?

A. Yes.

Q. Supposing I was upon the river, could I take an aim from the river to this window with this crane standing in my way?

A. No, not as this window was shut; you could not stand to do it by the crane; the ball was fired sloping, the muzzle of the pistol must have been pointed downwards.

Q. In your judgment, must the pistol have been placed above the hole so as to have glanced downwards?

A. Yes.

Q. And that could not have been the case, if the pistol had been fired from where the crane is?

A. No.

Q. Is there any house at the crane, where any person could conceal himself?

A. No; it is what we call a gibbet crane.

Q. Suppose any person to have fired from any part of the wharf, is there any way in which he could get away, but over the gates?

A. There was no other way, for the gates were all shut.

Q. Do you know the place where the Miss Davis's are said to have stood?—the angle leading on to Frost's?

A. Yes.

Q. Could they from that place have an opportunity of seeing any body if they had got over the gates?

A. Yes, they would.

Q. How soon, after your master had been shot on the Monday, did you hear he had been shot?

A. I heard it the next morning when I came to work.

Q. Who did you sleep with on the Tuesday night?

A. I sat up on Tuesday night along with my master.

Q. Who did you sleep with on Wednesday night?

A. I was above stairs then along with my master.

Q. Were you at any time in Mr. Patch's room?

A. Yes, I slept with Mr. Patch, on the Thursday night.

Q. Did you sleep with Mr. Patch in the room he usually slept in?

A. Yes, in his bed with him.

Q. Did you carry any apparel of any sort to that room except what you wore, and what you carried away with you?

A. No,

Q. Are you positively certain of that?

A. What I carried up I took away with me.

Q. Did you carry any thing but the cloaths you were wearing?

A. No.

Q. Did you carry, or leave there, a pair of white ribbed cotton stockings?

A. No.

Q. Had you any such stockings belonging to you?

A. No; what stockings I had I went up stairs with them on, and came away with them on next day.

Q. Had you ever been in that room before or since?

A. I had not been in that room before, but have been up in that room several times since the job happened.

Q. Do you remember Mr. Stafford being there to search the premises?

A. There were some Gentlemen there.

Q. Did you ever carry any stockings and leave them there?

A. No.

Q. Are the pales next the stone mason's yard stout or weak?

A. They are weak;—nobody can get over them in a hurry.

Q. Did any of them appear to be broken after Mr. Blight was shot?

A. No.

Q. You remember the Coroner's Jury sitting there?

A. Yes.

Q. Do you remember, upon the Tuesday before the Coroner's Jury sat in the evening, being present, when Hester Kitchener and her mother were together in the kitchen?

A. Hester Kitchener's mother was there, but that was before they went to the jury.

Q. Do you remember seeing Mr. Patch there?

A. Mr. Patch was there in the evening.

Q. Did you hear him say any thing to Hester?

A. As I was sitting in the kitchen, along with Mr. Patch and Hester Kitchener, drinking a glass of grog

together, Mr. Patch said to Hester Kitchener, "Now Hester you are going before the jury, you must speak the truth and nothing but the truth." Hester said she should speak the truth. Mr. Patch said "they will cross-question you, and ask you a good many questions, and if you begin upon one story, you must keep to that story and no other; if you do not, says he, you will get me into prison; and now they will ask you whether you gave me a candle —you know I asked you for a candle, and you gave me a candle. I took the candle out of your hand and went into the privy, and you heard me shut the privy door—they will ask you all these questions, says he, and you must tell them."

Q. This was on the evening before the Coroner's Jury sat?

A. Yes; the night my master died.

L. C. B. MACDONALD. About what time was this?

A. Just before Mr. Patch went to bed.—I suppose it was ten or eleven o'clock.

Mr. GARROW. Was it known the jury were to sit the next day?

A. Yes.

Q. The next day Hester was examined before the jury?

A. Yes.

Q. Was Mr. Patch examined next day?

A. Yes, when he came home he came into the kitchen, says he, I was as near being hung as ever was any thing in the world.

Q. How did the conversation begin?

A. He did not say any thing about that; this is what he said when he first came into the kitchen.

Q. Who did he address himself to?

A. There was only Hester and I in the kitchen.

Q. You knew he had been before the Coroner?

A. Yes.

Q He said I was as near being hanged as any body ever was in the world?

A. Yes, and he said, but if I had I should have been as happy as I am now; some people seem to think, says he, it was I that shot Mr. Blight.

Q. He was at this time at large coming to his own house, not in any custody.

A. No, he was in my master's kitchen. He said, Some people seem to think it was I that shot Mr. Blight. The jury asked me whether I had a couple of pistols, I told them yes, I had a couple of pistols, very short ones, some where above stairs in the box; you have seen me have the pistols, have not you; I said no; said he, they are a couple of little short pocket pistols—I said yes, Sir, those did not shoot my master, it was a larger one. Damn it, says he, some people seem to think it was I that shot Mr. Blight, but says he, one man shall take one of these pistols in one hand and I will take the other, and he shall have the first fire at me.

L. C. B. MACDONALD. Did he produce the pistols?

A. No, I never saw them—that is all I ever heard him say.

GEORGE SMITH *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. What are you?

A. I am apprentice to a Shipwright.

Q. Do you live near Mr. Blight's?

A. No.

Q. Do you recollect the Monday that Mr. Blight was shot?

A. Yes.

Q. Where were you on the evening of that day?

A. I was passing his premises.

Q. What part of his premises were you passing at that time?

A. The fence, very near his gate.

Q. About what time were you passing there?

A. As near as I can guess about half-past eight; I heard the report of a pistol or a gun.

Q. Where did that appear to you to have been fired?

A. In Mr. Blight's yard.

Q. Were there any persons near you at the time?

A. There were three boys and five labourers with me.

Q How far do you think you were from the gates at that time?

A. Between ten and eleven yards.

Q. Had any person with you a light at that time?

A. One of the labourers had a link.

Q. That gives a good light?

A. Yes

Q. As you were passing by did any body come from the premises of Mr. Blight?

A. Not that I saw.

Q. If any person had climbed over the fence, or come through the gateway must you have seen him?

A. Yes, I must.

Q. How long were you within sight of Mr. Blight's premises?

A. I might be a minute, more or less, I cannot say.

Q. Did you hear any noise of any person walking or attempting to get over the gates?

A. No, none at all.

GEORGE SMITH.

Cross examined by Mr. SERJEANT BEST.

Q. There were three boys and five labourers, were there not?

A. Yes.

Q. Were you all walking together?

A. No the labourers were a-head of us.

Q. They were one party, and you and the three boys were another?

A. Yes.

Q. Were you talking?

A. No, not a word. The labourers were talking to each other.

Q. Did you hear what the labourers said?
A. I did not.
Q. You did not stop at all?
A. I did not.
Q. You were passing on pretty briskly?
A. Yes, quite fast.
Q. One of the labourers had a link?
A. Yes.

JOHN BROWN *sworn.*

Examined by Mr. CONST.

Q. Were you with Smith on the night of the 23d of September last?
A. Yes.
Q. Where were you?
A. Almost by Mr. Blight's gate.
Q. Did you hear the report of a pistol or a gun?
A. Yes, I did.
Q. Who were there besides you and Smith?
A. There were five men who were just before us.
Q. Had you any light?
A. Yes, we had a torch.
Q. Were you so situated, that if any body had escaped from Mr. Blight's premises, you must have seen them?
A. From the part where we were we must have seen them.
Q. Whichever direction they had taken you must have seen them come out?
A. Yes.
Q. Did you see any body?
A. I saw no body.
Q. Was any observation made when you heard the gun fired?
A. Yes, Smith said there is somebody shooting at the ship-breakers again.
Q. You did not stop there?
A. No.

Mrs. Sarah Blight *sworn.*

Examined by Mr. Garrow.

Q. You are the widow of the deceased gentleman whose death we are enquiring upon?

A. Yes.

Q. When did you first become acquainted with the prisoner Patch.

A. I believe two years and an half since.

Q. Did any relation of his live in your family?

A. Yes, a sister of his.

Q. Was she a servant in your family?

A. Yes.

Q. She was your only female servant?

A. Yes.

Q. Did your first acquaintance with the prisoner begin by his visiting that sister?

A. Yes.

Q. After he had become thus introduced to your acquaintance, did he enter into your husband's service?

A. He did.

Q. What did he represent to be the state of his own circumstances, and where he came from?

A. That he came from the country, on account of some difficulties respecting some tythes.

Q. Do you recollect what part of the country he represented himself to come from?

A. I think it was from Aylesbear, in the West of England.

Q. Did he engage in your husband's service?

A. He did after some little time?

Q. Upon what terms as to compensation did he first engage in your husband's service?

A. At first, forty pounds a year I believe.

Q. Did he work for any time without receiving any pecuniary salary?

A. Yes, some short time.

Q. For some time only for his victuals then?

A. Yes.

Q. How long was that?

A. A month or two I believe.

Q. Did he work as other persons did, in the breaking up ships and the other laborious parts of your husband's trade?

A. I rather think he did not.

Q. Rather superintending?

A. Yes.

Q. And afterwards he was employed at the wages of 40*l.* a year?

A. Yes.

Q. For how long?

A. One year.

Q. During that time you boarded him, I take for granted?

A. Yes.

Q. After that his salary was raised to I believe 100*l.* a year?

A. Yes.

Q. Did any thing happen in the year 1805, from which you were led to see, that there were some embarrassments in Mr. Blight's pecuniary affairs?

A. No.

Q. Any thing respecting his creditors?

A. I did not know any thing of that.

Q. Did Mr. Blight deliver to you any papers to deliver, in any given event to Mr. Patch?

A. Yes.

Q. Was Patch present at the delivery of those papers to you?

A. No.

Q. Were you present with your husband at any time, when those papers delivered to you; were the subject of conversation, between Mr. Blight and Mr. Patch?

A. Yes.

Q. When, as you best recollect, were those papers delivered to you?

A. I think about six months before my husband's death.

Q. I am speaking of the receipt, of the bill of parcels, and the letter?

A. I believe that was not above four months before.

Q. What conversation did you hear between your husband and Mr. Patch respecting those papers, and what you were to do with them?

A. I was to give those papers to him (meaning Patch) in case of being questioned respecting the property.

Q. Did you ever part with those papers, either to the prisoner or any other person, till after your husband's death?

A. No; I kept them till after his death.

Q. You had gone out of town to Margate, and there, received the information, of the accident that had happened to your husband?

A. Yes.

Q. Upon your coming to town where did you find those papers?

A. In the tin box, where Mr. Blight told me he had put them.

Q. Was that in his dressing room?

A. Yes.

Q. Were they in an envelope, addressed to you?

A. Yes, directed to me.

Q. There you found them, in that state, after your husband's death?

A. Yes.

Q. Whom did you deliver them to?

A. To a lady who was with me on a visit, and she gave them to Mr. Patch in my presence.

Q. When were they delivered for the first time to Patch after your husband's death?

A. The evening that Mr. Patch was taken into custody.

Q. Was that after he had been examined before the Coroner's Jury?

A. Yes.

Q. What did he say to you, to induce you to put those papers into his possession?

A. That he had been questioned with respect to

the property, and that he had not those papers in his possession.

Q. Did he say where he had been questioned?

A. Yes; at the Acorn, where the Coroners Jury sat.

Q. What more did he say about these papers?

A. Nothing more that I recollect.

Q. Did he say what he wanted these papers for?

A. Nothing more than that he wanted the papers.

Q. Is it true that he had from the 15th day of July the entire possession of those papers, or had he them at any time, till after he had been before the Coroner's Jury?

A. He had not had them till September the 27th.

Q. That you are certain of?

A. I am.

Q. Your husband had originally accompanied you to Margate I understand?

A. Yes.

Q. And had returned to town again, and afterwards left London on the 19th of September?

A. It was on a Thursday, I do not recollect the day of the month.

Q. How soon after he had arrived at Margate did he receive any letter (I do not ask you to its contents) which induced him to come to London?

A. He received it on the Saturday, after he had arrived with me.

Q. Are you acquainted with the hand-writing of the prisoner Patch?

A. Yes.

Q. Should you know the letter your husband received if I were to shew it you?

A. Yes.

Q. Look at that letter; do you believe that to be the letter?

A. It is.

Q. Do you believe that to be the prisoner's hand-writing?

A. It is.

[*The Letter was read*]

Dear Sir,

I have a very onplisant a alarming thing to inform you of. I last Evening was setting in the front Roome in the chear Mrs. Blight sits in at Breakfast about about half past 8 oClock to my great supprize I hard the report of a Gun and the contents of it came through the windo nearest the yard Gats when the Servant brought the lights in, I orderd her to shut the the windo's as I intended to go to bed early so the Boll came through the Windo Shutter the sid fram and nock't the Blind all to pieces one of which strock me on the side of my head, but am happy to say don me no matral damage I immightly run in the yard but could not see any one and for the present am at a loss to jude the intenction of it, but it seems very likely to be intended for yours or my life, I hope I shall find it to be accedentley don which will he a great sattisfaction and I suppose to you allso but from the directions in cane is every reason to believe it was don on the wharf, if so, no doubt but the party was disappointed to fine the windos shut, I do not know what Enemays you might have but for my part I do not know that I have offended any one by Act Word or Deed, or even a quarrel with any one, I have had but littal business sins you was gone, and have nothing particular moor to insert but my kindest respects to yourself and Family and hope this will meet you all in helth I shall be happy to receive a few lines from you but much moor to see you are the onalley Friend I have to consult with.

I am Dear Sir
Your humble Servt
Richd Patch

Rotherhithe
20 Sept 1805—

Mr. GARROW. How long was it your husband's purpose to have continued with you at Margate?

A He intended to have come home on the Monday.

Q. Did you know from any conversations between him and Patch; in your presence, whether they had at that time any money concerns depending?

A. Yes.

Q. When he came down to visit you at Margate, was it his original purpose to continue some time?

A. No; to return on the Monday.

Q. Did you know, from conversations in the presence of Patch, that your husband and he had pecuniary concerns then depending?

A. Yes.

Q. Confining yourself entirely to what passed in Patch's presence, what do you know to have been the state of those concerns?

L. C. B. MACDONALD. What did you hear them say to each other?

A. A thousand-pound bill was depending. There was one drawn at two months date, which was to be paid at that time—drawn on one Mr. Goom, by Mr. Patch.

Mr. GARROW. Who did you hear say this?

A. I heard Mr. Blight say this.

Q. In the presence of Mr. Patch?

A. I heard it often talked of between them both.

Q. For what purpose did you understand that 1000*l.* bill to be drawn?

A. For an estate of Mr. Patch's, which had been sold in Devonshire.

Q Who was to have the produce of that bill?

A. Mr. Blight.

Q. For what purpose and upon what consideration was Mr. Blight to have that 1000*l.*?

A. For Mr. Patch to have a part of the business.

Q. As a consideration for being let in to a part of your husband's business?

A. Yes.

Q. Was 1000*l.* the exact sum, or was there a larger sum, of which the 1000*l.* was to be a part?

A. 1250*l.* was the sum, and it was reduced to 1000*l.* by Mr. Blight, having 250*l.* paid in hand.

Q. Did you ever, before your husband left town, hear any conversation between him and Mr. Patch, about the money getting into Mr. Goom's hand?

A. Yes. When that bill fell due, it was to be paid into Mr. Blight's hands; that is all I know of it.

Q. Did you ever hear your husband say any thing to Patch, about this money getting into Goom's hands?

A. Yes; I heard him ask Mr. Patch, when it fell due, why it was not duly paid.

Q. Can you tell about what time that was?

A. I believe, four months before Mr. Blight's death.

Q. What account did Patch give, upon that enquiry of your husband's?

A. That his friend, Goom, was not ready to pay it—had not got it.

Q. What more did he say;—did he say any thing about any part of it?

A. He said he could get 500*l.* of the money, from Goom; but he would not take that, as he could not have the whole.

Q. Did matters respecting that 1000*l.* then remain in that state, when your husband came to Margate?

A. They did.

Q. Did your husband, upon the receipt of that letter which has been read, come to London?

A. He did. He was coming to London else on the Monday, but he came on the Sunday evening, instead of Monday.

Q. You afterwards heard of the misfortune that had happened to him, and you came to town?

A. Yes.

Q. Did you speak to Mr. Patch upon the subject of the 1000*l.*?

A. I did: I asked him if Mr. Goom's bill was paid.

Q. When was this?

A. I believe, upon the Friday morning.

Q. That was before Mr. Patch was in any custody?

A. Yes. I asked him if Mr. Goom's bill was paid; he told me, yes. He said Mr. Goom had been there to breakfast, on the Tuesday morning, by appointment; he said Mr. Goom had been to the banker's, and that the money was paid.

Q. Who did he say had been to the banker's; did he mean himself or Goom?

A. I understood him that Mr. Goom had been at the banker's, and the money was paid.

Q. And that Mr. Goom had breakfasted at your house, on the Tuesday morning, by appointment?

A. Yes.

Q. Did you know the contents of those papers, which were entrusted to your care, to be given in a certain event to Mr. Patch?

A. Yes.

Q. You knew they were a receipt, a bill of parcels, and a letter addressed to Mr. Patch?

A. Yes.

Q. Did you ever hear any thing said by your husband, in the presence of Patch, as to the nature of that transaction, or why it was done?

A. Many times; that it was to secure his property.

Q. To secure it for whom, and against what?

A. To secure it for himself and his family, because our trustees persecuted Mr. Blight much.

Q. In short, he was afraid his creditors would take his property from him, and this was to protect it against them?

A. Yes, they threatened him so.

Q. Was that frequently talked of in the presence of Patch?

A. Yes.

Q. Did you ever hear it represented, till after your husband died, that Patch had purchased the property, or that he had paid the consideration stated in these papers?

A. Never.

Q. But, on the contrary, it was to cover the property against the claims of creditors?

A. Just so.

Q. Do you know of any other sum being advanced at any time, or in any shape, by Patch, to your husband, except the £250, part of the consideration for coming into partnership with him?

A. Yes, one £50.

Q. Was that the whole?

A. It was the whole.

Q. Were you so well acquainted with your husbands affairs, that if Patch had made him large loans, you should have known it?

A. Yes, surely.

Q. If, from time to time, he had been advancing money to your husband's trade, to the amount of £1200, or £2000, could that have happened without your knowing it?

A. No.

Q. Were you present at their confidential conversations about business?

A. Yes.

Q. Did you ever hear such a thing asserted or insinuated?

A. Never.

Q. Look at these papers, and tell me whether these are the three papers deposited by your husband with you, and which, after his death, you delivered, or the lady for you in your presence, to Mr. Patch?

A. They are the same.

[They were read.]

Rotherhithe, 15th July, 1805.

Mr. Richard Patch

Bought of Isaac Blight.

	£.	s.	d.
The remains of the hull of the ship Carnatic ..	1400	0	0
A parcel of plank and timber lying in the yard	240	0	0
Two boats, oars, &c.....	70	0	0
Two cranes on the wharf	100	0	0
The furniture and fixtures of the house as per Inventory	237	14	0
A parcel of ship breakers and smiths' tools	17	10	0
	£2065	4	0

"Received the 15th July, 1805, from Mr. Richard Patch, two thousand and sixty-five pounds four shillings, being in full for the stock in trade on my premises, sold him this day.

ISAAC BLIGHT.

£.2065 4 0

Rotherhithe, 15th July, 1805.

Mr. Richard Patch,

Sir,

In consequence of your taking the stock in trade off my hands, I do hereby promise to use my best endeavours to procure a renewal of the lease of the premises from the corporation of the City of London (the petition for the same having gone in my name) you paying all charges and expences on the same.

I am, Sir,
Your obedient servant,
ISAAC BLIGHT.

Mrs. SARAH BLIGHT.

Cross-examined by Mr. SERJEANT BEST.

Q. Your husband, before he went into the ship-breaking business, had been a merchant?

A. A West-India merchant.

Q. As such he had failed?

A. Yes.

Q. That was in the year 1803?

A. I believe it was.

Q. That was before Mr. Patch came to him?

A. Oh, yes, some time.

Mr. GARROW. Was he carrying on the business of a ship-breaker, to a considerable extent, before Mr. Patch came to him?

A. Yes.

Q. Were his circumstances, in your judgment, when Patch came to him in a flourishing state?

A. Just so.

Mr. SERJEANT BEST. The trust-deed is in existance at this time, I believe?

A. It is.

Q. I believe there was no dividend made under that trust-deed?

Mr. GARROW. I admit there was no dividend made under it.

Mr. SERJEANT BEST. The date of the deed was August 1803?

Mr. GARROW. I will admit that also. We shall have occasion in the course of the examination of Mr Goom to speak of a paper in the possession of the Prisoner; we will prove a notice to him to produce it.

Mr. WILLIAM SWENDELL *sworn.*

Examined by Mr. GARROW.

Q. You are clerk to Mr. Humphreys, the Solicitor for this prosecution?

A. Yes.

Q. Did you serve the Prisoner with copies of this notice, one with a view to the projected trial at Kingston, and the other with a view to the trial here?

A. I did, and I also served it upon the Solicitor for the Prisoner.

[The notice read.]

Surry Lent Assizes.

The KING, *v.* Richard Patch, } Indicted for the wilful murder of Isaac Blight.

Mr. Richard Patch,

You are hereby required to produce on the trial of the above indictment, on Saturday the fifth day of April next, at the Session House, Horsemonger-Lane, Newington, in the county of Surry, a certain draft, check, or order for payment of money drawn by you, and bearing date on or about the 16th day of September, 1805, for the sum of one thousand pounds upon Stephen Goom, of Tyer's Gate, Bermondsey, in the said county of Surry, glue maker, and also all other drafts, checks, or orders for payment of money, drawn by you upon the said Stephen Goom. Dated this 31st day of March, 1806.

To Mr. Richard Patch, the above named Defendant, and to Messrs. Fletcher and Wright, his Solicitors

Your's, &c. C. HUMPHREYS, Solicitor for the Prosecution.

Mr. SERJEANT BEST. We have not got it.

Mr. STEPHEN GOOM *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. I believe you are a glue-maker, and live in Bermondsey-street, in the Borough?

A. Yes.

Q. Do you know the prisoner, Richard Patch?

A. I think it is from seven to ten years ago that I employed his brother, and he worked for Mr. Thomas Walker, in Russel-street, Bermondsey, in the same line; I saw the Prisoner two or three times during the time he worked for Mr. Walker.

Q. How long ago is that?

A. Upwards of ten years.

Q. Have you seen him since?

A. Not till I saw him at the public examination at Bow-street.

Q. What is your address?

A. Tyer's Gateway, Bermondsey-street.

Q. Have you ever had any pecuniary connexions with the man now at the bar?

A. No.

Q. Did you ever receive any money from the Prisoner at the bar?

A. Never.

Q. Did you ever give him any authority to draw upon you for any amount whatever?

A. Never.

Q. Did you ever receive from any other person money upon the account of the prisoner.

A. No, never.

Q. Did you ever know of the prisoner having drawn upon you for any amount whatever till he was taken into custody?

A. I never knew any thing of it till I had a notice to attend at Bow-street.

Q. Did he ever ask permission of you to do so, or propose that he should do so?

A. Never; I have not seen him from seven to ten years—I think it is upwards of ten years since I have seen him till the public examination day.

Q. Did you ever give any note of hand, or security whatever to the prisoner Patch for the payment of money?

A. Never.

Q. Did you ever make any appointment to call at Mr. Blight's, for the purpose of paying any money to Patch, or did you ever breakfast there?

A. No, never; I did not, to the best of my knowledge, even know that he was at Mr. Blight's.

Q. Did you ever call at the banking-house of Messrs. Willis and Percival respecting any draft payable to Patch?

A. No, I never did.

Q. Or did you ever tell any body that you had done so?

A. No.

L. C. B. MACDONALD. You never called at Willis and Percival's at all?

A. Never.

Mr. THOMAS GRAHAM, *sworn.*

Examined by Mr. CONST.

Q. Where do you live?

A. In Mile-end road.

Q. Of what profession are you?

A. A Ship owner.

Q. You were acquainted I believe with Mr. Blight?

A. I was.

Q. Do you remember being with him at his house, on Monday the 2d September last?

A. I was.

Q. Were you present at any time when Mr. Patch and he were conversing together?

A. Yes, I was.

Q. What was the subject of their conversation, and what was said by each of them?

A. On the Friday I think I called at Mr. Blight's house about a ship which I had sold him, he was not at home, he was at Margate—Mr. Patch told me a sad accident had happened.

Q. Now you are speaking of the Friday preceding,

A. Yes, Friday the 19th I think, Mr. Patch told me a sad accident had happened, that some person had fired a pistol or a musket through the window, and took me in and shewed me the place. I looked at it; he shewed me the window where the shot had come through on the inside of the house. I asked him if he knew any reason or cause for it. He said no, he believed it was an intent upon either him or Mr. Blight, he then shewed me in what situation he was sitting when the shot came in, in a chair, and that some part of the blinds of the window was driven against his head. I asked him where the ball went to, and he stopped and shewed me, he said it dropped about half way between me and the window. I looked and observed part of the blind lying upon the floor, and some bits of things that had flown from the window. I was astonished at their not having been moved, but he said he wished they should lie there till Mr. Blight saw them.

L. C. B. MACDONALD. This was the day after the accident had happened?

A. Yes, the shot had been fired in the night, I think he said about nine o'clock. I asked him if he had got any suspicion upon any person to do such an act? He said no, he had not, that Mr. Blight had had some words with a person that was about finishing some kind of a ground, or a dock, or a wharf, or something of the kind on the other side of the water, that was the only person he could think of.

Q. Did he mention the name of that person.

A. Yes, I think he mentioned the name, but I do not recollect it at this moment.

Mr. GARROW. Should you know the name if you heard it?

A. Yes, I think I should.

Q. Was it Thompson, or Johnson, or Clarke?

A. I believe it was Clarke, I think that was the name; he said that he would write to Mr Blight to come up to town immediately, for he was rather uneasy about it.

Mr. Const. Was any thing else said?

A. No, I do not think that there was. On the Monday following I called, I was going to look at a ship at Greenland-dock, I asked whether Mr. Blight was come home? He said yes, he was come, but was gone up to town, I said I was going to see a ship, and would call again as I came back. I came back about one o'clock, and then he was just come from town, I asked him for the payment of the vessel, he said he was just come from town.

Q while you were in the room, did Mr. Patch come into the room?

A. He was on the wharf when I went, he asked me to go in and take a snack of something to eat, we were to meet the next day.

Q. Pass over what passed between you and Mr. Blight till Patch came, relate only what was said in Patch's presence?

A. I sat down to have something to eat with him, and when I was sat down Mr. Patch came into the room, he said Mr. Blight, "Pray where are your spurs."

Q. Had he at that time, boots or shoes on?

A. Boots. He pointed across the room, and said "They are lying there on the chair," and Mr. Blight said to him "Patch do not you return without the money." Says he "You may depend upon it I shall not return while it is got all settled." He went out, and that was all that passed.

Q. He then went away?

A. Yes.

Q He did not return while you were with Mr. Blight?

A. No, he did not return while I was with Mr. Blight.

Mr. RICHARD PERCIVAL, *sworn.*

Examined by Mr. POOLEY.

Q. You are a partner in the house of Messrs. Willis, and Co. the Bankers?

A. Yes,

Q. Did Mr. Patch in the month of September last, open an account at your house?

A. He did.

Q. What time in September?

A. About the 7th.

Q. Amongst other cash, did he pay in at that time any draft?

A. Yes, he paid in a draft.

Q. Upon whom?

A. A draft for 1000*l.* drawn by Mr. Patch upon Mr. Goom.

Q. When was that payable?

A. On the 16th of September, he paid that very draft in, on the very day he opened the account.

Q. Before that draft became due, did he call at your shop again?

A. He did.

Q. For what purpose?

A. To say that Mr. Goom was not prepared to pay the draft on the 16th, that he would take the draft with him, and send us another for a future day.

Q. Did he send you another?

A. He did.

Q. Have you got it?

A. I have.

L. C. B. MACDONALD. Was it a draft or a promissory note, or what?

A. A draft drawn by himself upon Mr. Goom, it was just the same, only the date altered.

Q. When was that other sent?

A. I do not know the day.

Mr. POOLEY. Was it before the 16th?

A. I cannot say, perhaps Mr. Willis my partner may recollect it, he had a conversation with Mr. Gooms on the subject.

[*The Note was read.*]

No. 20th Sept. 1805.

I. Gooms, Esq. at Tyer's Gateway, Bermondsey, pay to Messrs. Willis, Wood, and Co. or Bearer, One Thousand Pounds.

RICHARD PATCH.

£1000.

Mr. POOLEY. Before that draft became payable, did you receive any letter from Mr. Patch?

A. Yes, on the 19th.

Q. Is that the letter you hold in your hand?

A. Yes, this is it.

Mr. GARROW. We will now read this letter?

Mr. GURNEY. It is not proved to have come from the Prisoner.

Mr. GARROW. Did you receive it from his hand personally?

A. No.

Q. Do you know his hand writing?

A. I never saw him write.

Q. Have you transacted business with him in consequence of seeing his hand-writing?

A. We have paid his drafts.

Q. Do you believe that to be his hand-writing?

A. Yes.

Mr. GARROW. Then we read it as his writing?

[*The Letter was read.*]

" Messrs. Willis, Wood, Percival and Co.

" I. Gooms, Esq; the man I gave you a check upon for £1000 on Friday next the 20th inst called me to-day, informing me he should not be able to face it to-morrow, in consequence which I have taken his note payable 1st October next, which hath given me full satisfaction, as before I had no security from him. I will call on you Saturday or Monday next and take up the check, and give you the note,

I am, Gentlemen,

Your humble servant,

Rotherhithe, RICHARD PATCH."

19 Sept. 1805.

Mr. Pooley. In the conclusion of that letter he says, that he will call upon you on the Saturday or Monday, take up the check, and give you the note—did he do so?

A. He did not.

Q. Did you know Mr. Blight?

A. I did.

Q. Did Mr. Blight call at your shop on the 23d of September, which was the day he was shot?

A. Yes, he did.

Q At what time in the morning?

A. About ten o'clock.

Q. For what purpose did he call there?

Mr. Gurney. That must have been by conversation, which of course we cannot know—it was all in conversation.

A. Yes, it was.

Mr. Garrow. We propose to ask, did he call in respect to his pecuniary concerns?

L. C. B. Macdonald. That is a fact, it is a common enquiry, for what purpose did he call?

Mr. Pooley. Did he call respecting his pecuniary concerns?

A. He had no account at our house,

Q. Did he call to enquire after a note?

A. He did.

Q. What note.

Mr. Gurney. I submit to your Lordship that my learned friend is not entitled to ask that question, the object of the call was expressed by conversation, and the prisoner was no party to that conversation.

L. C. B. Macdonald. It is part of the res gesta his going there to enquire after the note. Any thing which he said, and which another man said, and so on, I will not take down, but this I take to be evidence.

Mr. Gurney. With great deference to your Lordship, I submit, that the only fact independent of conversation, is, that Mr. Blight did call upon the witness, his motive for calling, if stated to the witness, was stated in conversation, to which Mr. Patch was not privy, and for which he therefore cannot be made answerable.

L. C. B. MACDONALD. But after all it is a fact, it is part of the res gesta, if he were to proceed, and say Mr. Blight said so and so to me about that note, I would not take it. But the naked fact, that he went there, and asked about the note, I see no objection to.

Mr. GARROW. We are content to take it much short of that, the witness says first that Mr. Blight had no account with them, and next that he came to enquire after something, he came to your house to make enquiry concerning something?

A. He did.

Mr. GARROW. We will not ask what it was.

Mr. POOLEY. Have you got Mr. Patch's book?

A. Yes, this is it.

Q. Is there any entry made in that banking-book by Mr. Patch?

A. Yes, the last entry is written Mr. Patch.

Q. What is that entry?

A. "Messrs. Willis, Wood, Percival, and Co. will please to place the above bill to the credit of the executor of the late Mr. Isaac Blight. Richard Patch."

Mr. GARROW. Will you be so good as to tell us, what that is, which is erased.

A. It is the second draft on Mr. Goom, for 1000*l.* which was withdrawn.

Q. Who made that erasure?

A. We did.

Q. It being withdrawn, you erased it?

A. Yes.

Q. Was that last entry made in your book since Mr. Patch has been in custody under this charge?

A. Yes, the first draft was written in, and made returned; the second was written in, and as it was not to be transferred to Mr. Blight's account, we erased it.

Q. Not becoming effects in your hands, you struck it out?

A. Yes.

Mr. WILLIAM WILLIS, *sworn.*

Examined by Mr. GARROW.

Q. You are in partnership with Mr. Percival?

A. I am.

Q Did you hear the account Mr. Percival has given of this transaction?

A. Yes.

Q. You are more acquainted with Mr. Patch's hand-writing, than Mr. Percival, I understand?

A. I took in the account, and saw him write his name.

Q. That was the signature, by which you were to regulate yourselves afterwards?

A. Yes.

Q. Have you any doubt, that that is Mr. Patch's hand-writing?

A. Not the least.

Mr. GARROW. There is a head of evidence I am ready to go into, but I do not know whether your Lordship will permit me to go into it to prove an alibi on the part of Webster and Clarke, who were stated by the prisoner to be suspected of having shot Mr. Blight.

Mr. SERJEANT BEST. I do not object to it.

THOMAS WEBSTER, *sworn.*

Examined by Mr. GARROW.

Q. In what way of business are you?

A. A sawyer.

Q. Do you happen to recollect where you were on Monday the 23d day of September last?

A. Yes.

Q. Did you know the late Mr. Blight?

A. Yes.

Q. Did you hear at any time that he had been killed?

A. Not till Tuesday morning.

Q. When did you hear that he had been shot at?

A. Never before the Tuesday morning.

Q. On the Tuesday morning you heard he had been shot at,—on what day?

A. The night before.

Q. Where were you on the night before, that is to say the Monday?

A. At home.

Q. Where had you been in the day?

A. At Lavender-yard, at work.

Q. Whom had you been working with?

A. One Mr. Chalk, a ship-breaker.

Q. When did you leave your work?

A. At six o'clock.

Q. What did you do with yourself then?

A. I stopped at the Swallow Galley till about seven, then I went home.

Q. How far is your own house?

A. Four or five hundred yards.

Q. Did you leave your own house after that?

A. No.

Q. How long did you sit up?

A. I did not sit up above twenty minutes.

Q. Are you sure you did not sit up longer than that?

A. Yes. My daughter was in labour, and I went to bed out of the way, instead of being among the women.

Q. Did you go by Mr. Blight's house after that?

A. No.

Q. Had you been near Mr. Blight's house?

A. I was obliged in coming home to go by that house.

Q. That was at six o'clock?

A. About half past six.

Q. Have you a son?

A. Yes.

Q. What is his name?

A. William Webster.

Q. Did he ever abscond on any occasion whatever?

A. No.

Q. Was your son in London at the time Mr. Blight was killed?

A. No; in the Downs.

Q. Was he a sea-faring man?

A. He has been at sea.

Q. He is here to tell us himself, is not he?

A. Yes.

Q. When did he go away to the Downs?

A. He went away the last day of August.

Q. Did he return before or after Mr. Blight was killed?

A. About a fortnight after, I believe.

THOMAS WEBSTER,

Cross-examined by Mr. SERJEANT BEST.

Q. He was absent at the time?

A. Yes.

Q. Was that the first voyage he had made?

A. Yes.

Q He was not a sea-faring man before?

A. Yes; he was a sea-faring man before.

Q. I thought you told me that was the first time?

A. Yes; that was the first time of his going away.

Q. Had it so happened, that your yard had been searched before that?

A. Yes.

Q. On a suspicion of your having some property of Mr. Blight?

A. Yes.

THOMAS WEBSTER,

Re-examined by Mr. GARROW.

Q. Who caused that search to be made?

A. Mr. Patch. I was not at home when it was searched, but my daughter was.

Q. Do you know of Mr. Blight's having any thing at all to do with it?

A. No; I do not.

Q. Was your son a seaman, or what had he been?

A. He was a sawyer.

Q. Was that search made before or after your son went away?

A. It was after my son went away.
Q. Was any thing found?
A. No; nothing at all.

WILLIAM WEBSTER *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. Are you the son of Thomas Webster?
A. Yes.
Q. What business are you?
A. A sawyer.
Q. Where did you use to work?
A. I worked at Mr. Brent's, and I have worked at Mr. Blight's.
Q. Did you leave London at any time.
A. I left London the last day of last August.
Q. Where did you go to?
A. To Deal.
Q. When did you return?
A. About a fortnight after Mr. Blight was shot.
Q. Were you in London at any time between the latter end of August and a fortnight after Mr. Blight met with his death?
A. No.
Q. Were you nearer to London than Deal?
A. No, I was not.

HARRIET WEBSTER *sworn.*

Examined by Mr. CONST.

Q. You are the daughter of Thomas Webster who was here just now?
A. Yes.
Q. Do you live in his house now?
A. No, not now, but I did at the time the accident happened.
Q. How happened you to be there?
A. When my husband went away I went to live there with them.
Q. Are you William Webster's wife?
A. Yes.

Q. Do you remember your sister-in-law being brought to bed?

A. I was in the house—it was the very night that Mr. Blight was shot.

Q. Do you remember your father-in-law coming home?

A. Yes—he had been at the Swallow Galley drinking, and he came home rather in liquor about seven o'clock; he went to bed about eight o'clock; I called him to get up between three and four o'clock, to get out of that bed, that my sister might get into that bed.

Q. Was he ever out of that house from seven o'clock?

A. No, not till five o'clock the next morning. We never knew any thing about this business till afterwards.

JOSEPH CLARKE *sworn.*

Examined by Mr. POOLEY.

Q. What is your business?

A. A labourer—a labouring man.

Q. Do you recollect the day on which Mr. Blight was shot?

A. I cannot justly recollect the day—I believe it was on a Monday.

Q. Do you know where you were on that day?

A. I was at the Red Lion, at Poplar.

Q. When did you go to the Red Lion?

A. I went about five o'clock in the afternoon.

Q. Did you cross the water from Rotherhithe?

A. Yes, I crossed the water.

Q. Who was with you?

A. John Cox.

Q. How long did you remain at the Red Lion?

A. I remained there as much as an hour and a half.

Q. At what time did you leave it?

A. It was, I believe, about half after eight o'clock.

Q. Where did you go to next?

A. To the Green Dragon at Poplar, and drank a pot of beer there—we stopped there only a few minutes.

Q. Where did you go next?

A. To the King's Head in Limehouse Causeway.

Q. How long did you remain there?

A. Till about half after nine o'clock.

Q. Was Cox with you?

A. Yes, he was with me the whole of the time.

Q. Were you near Mr. Blight's premises any part of that day?

A. I was not.

Q. Had you any quarrel with Mr. Blight about repairing a wharf?

A. Yes.

Q. You are the same man.

A. Yes, but that was a long time ago.

JOHN COX *sworn.*

Examined by Mr. POOLEY.

Q. Were you with the last witness on the day on which Mr. Blight was shot.

A. Yes, I saw him about seven o'clock in the morning, and he was not out of my sight till nine o'clock at night—his wife came and fetched him home from me at the King's Head at Limehouse, about nine o'clock.

Q. She thought he had had enough.

A. Yes, he was very tipsy.

Q. He was there on his own business?

A. He was on my business—he had been at the brick-fields at Stepney.

Mr. WILLIAM JONES *sworn.*

Examined by Mr. GARROW.

Q. I will not trouble you with a long account of this Gentleman's death—you were the surgeon who was called in?

A I am.

Q. Do you remember seeing the Prisoner Patch there?

A. I do.

Q. Had you known Patch before?

A. I had known him about a year and a half, and Mr. Blight for a year.

Q. Did Mr. Patch generally wear boots?

A. Speaking generally, he did.

Q. Did you see him on the bed after Mr. Blight was in his distress, after the wound he had received?

A. I saw him on the bed and in different situations in the house.

Q. Are you able to state to my Lord and the Jury whether he had shoes or boots on that evening?

A. He had boots on in the evening, but not when I was called in as a surgeon to Mr. Blight.

Q. At what time did you see him in boots as usual?

A. From half past five to six I was in the yard conversing with Mr. Blight about the shot that had been fired on the premises on the preceding Thursday.

Q. How long might you remain with them then?

A. I remained with Mr. Blight about a quarter of an hour—say twenty minutes.

Q. At that time Mr. Patch had his boots on as usual?

A. Mr. Patch was not with us the whole time; he rode into the yard, then he was booted.

Q. At what time were you called in in consequence of the fatal accident?

A. The message came to my house about a quarter of an hour——

L. C. B. Macdonald. At what time did you arrive?

A. I made all expedition, and I consider myself as having been there before nine o'clock.

Mr. Garrow. In what place did you first see Mr. Patch?

A. Mr. Patch hearing that I was coming, met me between the parlor door, in which parlor Mr. Blight was, and the bed on which he was lying; he told me what had happened, and pointed Mr. Blight out to me.

Q. Mr. Patch continued offering him all attentions while you remained there?

A. Particularly so—Mr. Blight never would be removed while in bed but by Mr. Patch's assistance—he had occasion to be removed in bed frequently in consequence of pain.

Q. All the assistance and relief he had from his wound, and the pain in consequence of it, he had from Mr. Patch?

A. Yes.

Q. You had a very good opportunity of seeing how Mr. Patch was dressed?

A. Yes.

Q. What was the color of his small cloaths?

A. They were the same color as mine—I believe nothing but the scissars parted them—Mr. Patch ordered them of the same tailor, and they were cut off the same specific piece.

Q. What was the color of his stockings?

A. They were white.

Q. He was so habited while you remained in the house, and was so at the time you were sent for?

A. I cannot say that he was so when I came, but he was so when Mr. Blight was put to bed at eleven o'clock.

Q. Had he any opportunity of changing them between these times?

A. I went for Mr. Astley Cooper—I was absent two hours.

Q. When did you first observe the color of his stockings?

A. In the night when he was kneeling on the bed assisting Mr. Blight.

Q. At what hour?

A. It was between eleven and twelve that I first observed it—he was not put to bed till eleven o'clock.

Q. You do not know whether he had stockings or boots on when you came to the house at nine o'clock, because you do not recollect that you made any observation upon it; but when you observed him after Mr. Astley Cooper came there, you observed that he had stockings and shoes on.

A. Yes.

Q. And the color of his small cloaths was light, and nothing but the scissars had parted them from your own?

A. No.

Q. Did you make any observation whether his stockings were ribbed or plain?

A. It made some little impression on my mind, and I think they were ribbed, and think I mentioned that in my declaration before the magistrates.

Mr. GARROW. I have in my hand the agreement of the 31st of August, which I will prove by the attesting witness, the consideration of which is stated to be 1250*l.* and it will not be immaterial that that sum of 1250*l.* was to be paid.

THOMAS MUSK *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. Look at that agreement, and tell me whether you witnessed the execution of it?

A. Yes, I did.

(It was read.)

"This Agreement, made the 31st day of August, 1805, between Isaac Blight and Richard Patch, both of the parish of St. Mary, Rotherhithe, ship breakers.

"Whereas the aforesaid Isaac Blight is now in possession of certain leasehold premises belonging to the Corporation of the City of London, on which he carries on the business of ship breaking, and also a stock of timber, parts of ships, and other matters valued together, with the lease, by agreement, at the sum of three thousand seven hundred and fifty pounds: he the said Isaac Blight agrees with the aforesaid Richard Patch to dispose of one third of the above to him, for the sum of one thousand two hundred and fifty pounds, and the business, from the date of this agreement, shall be carried on in the name of Richard Patch alone, in proportions as follows: Say one third part or share to him the said Richard Patch, and two third parts or shares to him the said Isaac Blight; that the said Richard Patch shall reside on the premises, and keep a regular set of books, which shall at all times be open to the inspection of both parties; and it is further agreed, that all money put into the business by either of the parties, over and above the proportion above named of three thousand seven hundred and fifty pounds, shall bear an interest of five per cent. and the party putting in

such money shall be always at liberty to draw it out, on giving thirty days notice of such his intention; all rents, rates, taxes, and other expences whatsoever, that may be on the premises for the benefit of the business, to be charged to the trade in equal proportions as above stated: and it is further understood and agreed, that the business shall continue in the joint account, and in proportion as above stated, so long as a mutual good understanding shall exist between the parties; but in case either should wish at any future time to decline the business, six months notice shall be given by the party wishing to decline, and at the expiration of the six months the stock in trade, together with the remainder of the lease, shall be sold by public or private auction, and the money arising from the sale to be divided in proportions as aforesaid, after all debts and demands on account of the concern are discharged, and also in the same manner in case of the death of either of the parties.

"The aforesaid Isaac Blight agrees to use all diligence to get a renewal of the lease from the Corporation, and as soon as it is accomplished to give the said Richard Patch a counterpart of such lease, to secure to him his interest of the said one third share as above mentioned: and also to aid and assist, and do his best endeavours to procure suitable ships to supply the demand of the yard, and in every other way to promote the interest of the parties aforesaid; and the said Richard Patch also agrees, on his part, to use his best endeavours and exertions on the premises, in breaking up and disposing the materials of such ships, and other matters as may be under his care for the joint account and benefit of both parties, in proportions as aforesaid; and to this agreement both parties have set their hands and seals, the day and year above written.

ISAAC BLIGHT,
Witness Thomas Musk. RICHARD PATCH.

MARY SALTER *sworn.*

Examined by Mr. GARROW.

Q. Are you a washerwoman by business?
A. Yes.
Q. Do you wash for Mr. Patch?
A. Yes.
Q. He lived at Mr. Blight's, did not he?
A. Yes.
Q. Do you remember hearing of poor Mr. Blight's death?
A. Yes.

Q. What day did you hear that Mr. Blight was dead?

A. I heard it on the Tuesday.

Q. How lately before that had you received Mr. Patch's linen to wash?

A. On the same day that the accident happened at night.

Q. That is to say, on the Monday that Mr. Blight was shot.

A. Yes.

Q. At what time in the day did you receive Mr. Patch's linen.

A. About eleven o'clock in the morning.

Q. Did you receive it weekly, or how?

A. I had had it only once before, and that was, I think, at the distance of about a month or five weeks.

Q. What is the manner in which you laundresses mark the linen sent to you, so as to distinguish the linen of one person from that of another.

A. We mark them sometimes with one sort of worsted, and sometimes with another, different people's linen.

Q. So that your people, whether they can read or not, can tell my linen from this Gentleman's and that Gentleman's by the worsted?

A. Yes.

L. C. B. MACDONALD. You have different colors of worsted for different people?

A. Yes, if you were a new customer, I should mark your linen.

Mr. GARROW. If I was an old customer, you would get acquainted with my linen, and need not mark it.

A. Yes.

Q. My initials may be W. G. and this Gentleman's W. G. and this other gentleman's W. G. so that the initials might not point out whose linen it was?

A. Yes.

Q. Had you ever any white cotton stockings to wash for Mr. Patch?

A. I cannot say that I remember washing any white cotton stockings for Mr. Patch.

Q. Look at those stockings which that Gentleman has in his hand, and see whether that is the way in which you mark your new customers linen?

A. I do not see any mark.

Q. You are not looking for it, you are avoiding it, is this the way in which you mark the linen of your new customers?

A. Yes.

Q. You had had Mr. Patch's linen only once, before that Monday?

A. Only once.

Q. So that you had not become acquainted with his linen.

A. No, I had not.

Q. Look at that mark; upon the oath you have taken, do you believe that mark to have been made at any time, while those stockings were in your possession?

A. I cannot say; I cannot take upon me to say that I ever washed any of this kind.

Q. Is that the way in which you mark?

A. Yes.

Q. Do you usually mark both the stockings, or only one of the pair?

A. I generally mark both of one pair of stockings.

Q. Did you look at any of the linen you had on the Monday from Mr. Patch?

A. Yes.

Q. Did you look at it, after you heard that Mr. Blight was killed?

A. I had it before Mr. Blight was killed.

Q. Did it remain in your possession after Mr. Blight was killed?

A. Yes.

Q. What is become of it?

A. Mr. Patch has got it.

Q. It was either in its foul state or in the wet on the Tuesday?

A. He had not it on the Tuesday; he has had it since; I do not begin washing till the Wednesday.

Q. What you had from him on the Monday was in its foul state on the Tuesday?

A. Yes.

Q. Will you look at that mark, and tell me whether you have a belief, one way or other, that that was made on your premises?

A. I do not know—it might.

Q. What do you believe?

A. I cannot say, it might be made by me, I do not remember washing any stockings like these.

Q. Do you, or do you not believe that they were marked by you?

A. I do not know, I am sure, whether they were or not, we have linen come sometimes, marked by other people.

Q. Does that worsted mark appear to have been frequently washed, or only once, in your judgment?

A. The color is all washed out of it pretty well.

Q. Do you know what color it was at first?

A. No, I cannot say that I do.

Q Then you hardly can take upon yourself to say what color is gone?

A. I had only one pair of stockings with the last linen.

Q. What color were they?

A. They were brown; that was all the stockings I had in that parcel.

Mr. JOHN STAFFORD *sworn.*

Examined by Mr. GARROW.

Q. Where did you find those stockings?

A. I found them in a closet in the prisoner's bedroom.

Q. In what state were they at the time you found them?

A. They were folded up, and the top of one of them turned over, having exactly the appearance of a pair of clean stockings.

Q. In the manner in which one receives them from the laundress?

A. Yes.

Q. You were not so well satisfied with outside appearances, but opened them?

A. I took them in my hand, I thought there appeared an unusual hardness, and I opened them.

Q. In what state did you find them?

A. I found the feet of them very dirty, just in the same state in which they are now, except that the dirt is more hard and worn out, and the legs are now very dirty.

Q. How did the upper part of them appear at that time?

A. The upper parts were very clean at that time, but they have become dirty in consequence of opening them and folding them together.

Q. Had they at all the appearance of having been worn under boots?

A. No, not at all.

Q. Will you now open them and describe the situation in which they were?

A. The dirt drops off every time they are opened; it is quite in clots on the feet.

(They were shewn to the Jury.)

Q. Anthony was with you at the time you found them?

A. Yes.

Mr. GARROW. I suppose it is not necessary that we should call Anthony to confirm Mr. Stafford?

Mr. SERJEANT BEST. Certainly not.

Mr. GARROW. Was it in the bed-room over the counting-house and privy that you found them?

A. Yes.

ONE of the JURY. Those stockings are not marked with any initials?

A. No, they are not; he told me himself that was his bed-room; I found there all his wearing apparel, and a bank note, which he claimed.

Mr. JOHN STAFFORD.

Cross examined by Mr. GURNEY.

Q. What day was it when you found the stockings?

A. I believe it was the 30th of September; it was the Monday following Mr. Blight's death.

Mr. GARROW. It was after Mr. Graham the magistrate had taken some pains in this business?

A. Mr. Graham was with me in the room. Mr. Patch was in custody previous to that time, and he had mentioned this as his room.

Q. That bed-room he had described as his?

A. Yes.

Mr. GURNEY. He was taken up on the Thursday or Friday?

A. Yes.

Q. And on the Monday following you found these stockings in that closet?

A. Yes.

Mr. GARROW. As Anthony is in the box I will just ask him one question.

Mr. WILLIAM ANTHONY *sworn.*

Examined by Mr. GARROW.

Q. You were present when those stockings were found?

A. Yes.

Q. Were they found as Mr. Stafford has described?

A. Yes, they were.

RICHARD MURCH *sworn.*

Examined by Mr. COMMON SERJEANT.

Q. Were you employed to search the privy belonging to Mr. Blight's house?

A. Yes.

Q. On what day?

A. On the Wednesday.

Q. Do you mean the next Wednesday after Mr. Blight was shot?

A. Yes.

Q. What time of the day did you make that search?

A. Between the hours of three and five.

Q. In the afternoon?

A. Yes.

Q. Did you find any thing in the privy?

A. I found a ramrod in the trunk.

L. C. B. MACDONALD. Describe what you mean by the trunk.

A. A trunk leading from the water-closet, or something of that kind, six inches square.

Q. Do you mean a funnel, at first large and growing less?

A. Yes, it led down into a bog-hole.

Q. Was it the ramrod of a gun or pistol?

A. Of a pistol.

Mr. COMMON SERJEANT. You found nothing else?

A. No.

Q. Have you it here to produce?

A. Some of the Gentlemen have had it of me.

Q. Is that the ramrod you found in the privy?

(Shewing the witness a ramrod.)

A. Yes.

Q. Was it dirty, or how?

A. It was about so much dirty in the bog-hole.

Q. The worm was about two inches deep in the soil?

A. Yes, and the wadding was about it.

Q. At which end was the wadding?

A. At the worm end, in the soil.

Q. I suppose you frequently go on this sort of business?

A. Yes, I have frequently gone.

Q. Did you make any observation on the trunk, whether there was any appearance of any body having been there who had a looseness in his bowels?

A. There was nothing of the kind; more to the contrary.

Q. There was no appearance of any person having been there who was troubled with a looseness?

A. No, not in the least, but more to the contrary.

Q. Did you afterwards see Mr. Patch at the time his sister was in company with him?

A. Yes, I saw him at the Acorn at the time of the Coroner's inquest.

Q. Was the inquest then sitting?

A. Yes.

Q. Did you observe any body speaking to his sister?

A. Yes.

Q. At the time she was talking to somebody did he call her aside?

A. Yes.

Q. I want you to state what he said to her, but not her answer?

A. He called her aside and said, Sarah, was not there such and such Gentlemen asked you some questions.

Q. Do you recollect what names Mr. Patch mentioned to her?

A. No, I cannot; he asked her if there was not such and such Gentlemen asked her some questions. She replied, yes; he said be cautious of what you say; the report is of me, they can bring no proof against me.

Q. Was that all that he said to her?

A. Yes, it was.

Q. Did you mention to Mr. Patch, at any time, that you had found this ramrod?

A. No, only just on the premises when I found it.

Q. When you found it on the premises Mr. Patch was acquainted that you found it?

A. He was at the Acorn when I found it, to the best of my recollection; I was below at the bog-hole.

Q. What passed with him on the subject?

A. He said nothing to me; he was not acquainted with me, nor I with him.

RICHARD MURCH,

Cross examined by Mr. SERJEANT BEST.

Q. This was the first time you had been down there?

A. Yes.

Q. Then you did not know whether there were any reports against him or not?

A. No.

L. C. B. MACDONALD. You say the soil in this funnel was of a hard consistency?

A. Yes.

Q. Was there any passage down?

A. Yes, but it could not get any farther on account of the hardness of the soil.

Q. Was there a passage by which fresh soil might get down to the bog-hole?

A. Yes.

Q. The hard stuff then was sticking to the sides?

A. No, sticking to the bottom, there was nothing on the sides.

Q. Did it form a pan or any thing of the kind?

A. Yes, it could not get down into the cellar.

Q. It choaked up the bottom?

A. Yes.

Q. From your experience can you say whether, if a man had been frequently there on the Monday, there must have been some appearance of that on the Wednesday?

A. There was not the least appearance of it.

Q. Must it have been apparent if a person had been there five or six times on the Monday?

A. Yes, there must have been an appearance, but there was not the least appearance there.

MARY SMITH *sworn.*

Examined by Mr. CONST.

Q. You were servant at the Brown Bear, Bow-street?

A. Yes.

Q. That was the house where Mr. Patch was confined some time?

A. Yes.

Q. Was it your business to wait upon him?

A. Yes.

Q. Do you remember whether at any time he said any thing to you, by way of message, to be delivered to Hester Kitchener?

A. Yes.

I

Q. When was that?

A. I do not know the day.

Q. While he was under examination, during the time he was at your house?

A. Yes, he asked me how his servant was; I understood him, but whether he said *his* servant or *the* servant I do not know: he asked me to take her a glass of wine, and give his compliments, and for me to tell her not to fret, for they only kept her confined to frighten her, to see whether she would alter her story.

Q. Did any thing more pass?

A. No.

Q. Did you deliver that message?

A. Yes I did.

Q. That was the only message you took?

A. Yes.

AARON GRAHAM, *Esq. sworn.*

Examined by Mr. GARROW.

Q. Will you be so good as to cast your eye on that, and tell me whether that examination of the prisoner, of the 28th of September, was taken in your presence?

A. Yes.

Q. It was taken from himself in your presence?

A. Yes.

Q. Was it read over to him afterwards?

A. Yes.

Q. Did he perfectly understand the contents of it?

A. Perfectly.

Q. Will you look at this of the first of October?

A. I say the same of this.

Q. Here is another of the third of October, on the same paper as that of the first of October; will you look at that likewise?

A. That was taken under the same circumstances.

[*The following examinations were read:*]

MIDDLESEX.—*The Examinations of* Richard Patch, *Foreman to the late* Mr. Blight, *of Rotherhithe, in the County of Surry, Ship-breaker,*

Who says, on Monday evening last, he drank tea with Mr. Blight in the back parlour, next to the lane, about six o'clock, and after tea Mr. Blight said, he had brought his will home from town, and he read it to Examinant; he said there was but one thing he wished to have altered, which he would do on the morrow, and write it over again. Mr. Hugin was named executor, and Mr. Blight said, he thought he was a man that would not give himself much trouble about it, and therefore he would alter the will: after he had read the will, he said, I want to make water, will you go with me; Examinant said yes, and went out with him; they returned together and sat down upon their chairs, close together, where they were sitting before; he then proposed taking a glass of grog, and going to bed, as he found himself tired by being up all night; they had each a glass of grog, and sat talking, when Examinant, having a complaint in his bowels, found it necessary to go out; Examinant had been several times during the afternoon, and once since tea; Examinant went into the kitchen and got a light, and the key of the counting house, and went out at the door, and through to the counting-house, to the necessary, as fast as he could, being very ill, and obliged to make haste; Examinant had just sat down when he heard the report of a gun or pistol, and directly ran, with his breeches in his hand, to the door of the house, which was shut-to just as Examinant reached it; Examinant knocked at the door, and the servant opened it, Examinant asking what was the matter; the servant said her master was shot, and Examinant found him in the kitchen leaning with his arm on the dresser; Examinant said, my dear Mr. Blight, what is the matter, and took him by the hand; he said, my dear friend, I am a

dead man; Examinant then, assisted by the maid, took him into the parlor; the maid, after some little conversation, went out for assistance; Examinant understood she jumped out of the kitchen window. Mr. Frost was the first person that came, and he went for Mr. Jones, the surgeon, who came and looked at Mr. Blight, and then went for Mr. Astley Cooper, after consulting with Mr. Younger, another Surgeon, who was present: Examinant attended Mr. Blight from the time of the accident until his death; Examinant asked him if he had any suspicion who could have done it, and he said he could not tell, unless it was Webster and Clark, the former of whom had been accused of robbing the yard of timber, and had his house searched; and with the latter he had had a violent dispute about the repair of a wharf; Examinant says, that Mr. Blight had, upon hearing of the attempt on the preceding Thursday, expressed himself in the same manner about those two persons. After the death of Mr. Blight, on Tuesday evening, Mr. Jones's assistant went, by the mail coach, to Margate, to acquaint Mrs. Blight with the accident, and they came to town together in a post chaise, on Thursday morning; Examinant, when he went to the privy, was so pressed, that he unbuttoned his breeches in going through the counting-house, and he seated himself and drew to the door after him the moment he got into the privy, and had scarcely made a discharge when he heard the report and the maid servant scream; he jumped up, and with his breeches in one hand, and the candle in the other, made all the haste he could to the street door, which he saw the servant shut, so that he thinks she could not have got half-way back to the kitchen before he knocked and called (open the door, open the door) to be let in; to knock at the door he let go his breeches, but kept fast the candle in his other hand, and carried it with him into the kitchen, where, when he arrived, the fore part of his shirt was tucked into his breeches, but the hind part not, the breeches, were not buttoned at all, but he was obliged to keep

them up with his hand till he began to assist Mr. Blight back to the parlor, when, he believes, he contrived to get one of the buttons fast, but the shirt was still hanging out; Examinant led Mr. Blight into the parlor and sat down in a chair, taking Mr. Blight upon his knee, in which position they continued for about a minute, and then he placed him in a chair, still keeping hold of his hand; Mr. Blight grasped Examinant's hand very hard, and though he shifted hands, yet he held fast by one or the other until Frost knocked at the door; after letting Frost in, Examinant went back to Mr. Blight, who took him by the hand again, and continued to hold it fast till a bed was brought down to the parlor for him to lie on, at which time there were several people in the room. Mr. Frost's brother, a Mr. Matthews, and others, whose names Examinant does not now recollect.

"On the Thursday preceding the death of Mr. Blight, as Examinant was sitting in the front parlor of Mr. Blight's house (having sent Hester Kitchener for some oysters for his supper,) a gun or pistol was fired through the window, the ball, which the maid-servant found on searching the floor after her return with the oysters, came through the window shutter, broke the window and the Venetian blind. Immediately on hearing the report, Examinant got up and went on the wharf in front of the house as fast as possibly he could, having been struck on the head with a part of the Venetian blind. He was sitting at the table, with his head leaning upon his hand almost half asleep, when it happened, having had very little rest the night before, by reason of keeping awake to call up Mr. Blight to go to the Margate Coach. Examinant looked about upon the wharf, and seeing no one, immediately went to the gate, on opening which, a man and his wife came up; they were at the gate the moment Examinant opened it, and appeared to be coming from Grove-street; they were the first persons Examinant saw after hearing the report. Examinant asked them if they had

seen any one jump over the fence? They said No. Examinant asked them if they had seen any one running or seemingly in a bustle? They said they had not seen any one, or heard any thing but the report of a gun or a pistol, except a man lying, apparently drunk, just below the house. Examinant asked them where they thought the report came from? They thought, they said, it was quite close to them, and must be upon the wharf. The man said is there any thing the matter, Mr. Blight? taking Examinant for Mr. Blight. Examinant told him what had happened, and asked him to walk in; he said he would, and him and his wife came in: there was no person present at this conversation, nor did any one pass during the time after the man and his wife came in. Examinant described to them how he was sitting in the chair, and what had happened. The man asked him if he should call any one, as he thought Examinant had better have somebody with him? Examinant desired him to run and call Mr. Frost, being the nearest neighbour. He went, and Mr. Frost came back with him; the maid returned with the oysters just before the man went for Mr. Frost Examinant described to Mr. Frost how he was sitting, and told him what had happened. Mr. Frost said it was a very alarming circumstance indeed, and they then all went into the room.

" When Mr. Blight met with his accident, and talked over what the intent of the thing could be, some one observed they thought it must be with intent to shoot Examinant, and then rob the house. Examinant cannot recollect who made this observation. Examinant said he did not think it could be intended for that purpose, for they would not have alarmed the house first if they had intended to rob it, unless they had made certain of killing Examinant, for the ball was very well directed, and might have killed both Mr. Blight and Examinant if they had been sitting together as they generally did. This conversation passed in the back parlor, and Examinant then asked them to take some grog, which the

man and Mr. Frost did, and the woman took a little brandy; they all sat in the back parlour an hour or better in conversation after they came in. They then talked of going, and Examinant said he would immediately go to bed; the maid-servant said she had no candle in the house; Mr. Frost said if she would go with him he would lend her some for the night. They then rose to go, and Examinant said he would go with them for company for the servant; we then all went out together: Mr. Frost, the man and his wife, the maid, and Examinant. It was very dark, and rained much; it was very dark when the pistol was fired, and, except when it lightened, a man could hardly see his hand when he held it up before him; the rain did not begin until after the pistol was fired. Examinant sat down at Mr. Frost's and drank a glass of grog; the maid was present. Mr. Frost asked Examinant if he had any fire-arms in the house. Examinant told him he had a brace of pocket-pistols, but no ammunition. Mr. Frost said he would lend Examinant some; Examinant said he would not have any for that night, but go home and go to bed immediately. Examinant knew that his pistols were not in good order, as he had not used them for two years before. Examinant then went home in company with the maid, and went to bed in a few minutes afterwards. Examinant slept that night in Mr. Blight's bed in consequence of what had happened. The bed room where Examinant generally slept is over the counting-house, adjoining Mr. Blight's dwelling-house, and at that time there was no internal communication, but persons going from the dwelling-house to the counting-house were obliged to go into the yard. Since Mrs. Blight came home she had a door opened, which leads from the kitchen into the counting-house; it was a cousin of Mrs. Blight's that directed this door to be opened. The reason why Examinant did not have it done was, because he did not like to make any alteration; but when it was done he had no objection to it, as it was a convenience, and prevented them going out in the dark.

Examinant further says, that when he sat with Mr. Blight in the parlor, who grasped his hand as he has described, he took an opportunity of tucking his shirt into his breeches, pulling them up a little, and buttoning them, as Mr. Blight sometimes held one of his hands, and sometimes the other, and sometimes Examinant held him by the hand. Examinant further says, that the window-shutters of the parlor in which he sat on the Thursday night were not in general shut until bed-time, but as he was very tired, and intended to go to bed very soon, he told the maid to fasten the windows when she brought the candle, which was about half past six. Examinant then had his tea, intending to go to bed immediately, but Mr. Edridge, a coppersmith, from town, and a gentleman called upon him Mr. Edridge and Examinant drank a glass of grog, and the other gentleman took a glass of wine and water; they stayed better than an hour; and when they went away Examinant found his stomach quite faint and empty, not having eat any thing with his tea, and after drinking the grog, which Examinant thought gave him an appetite, he fancied, and sent the maid for, some oysters."

RICHARD PATCH.

Taken before me this
28th day of September, 1805.
A. GRAHAM.

MIDDLESEX, *to wit.* } *The further Examination of* Richard Patch,

Says, he sold an estate, called Knutwall, near Exeter, for 735*l.* that Messrs. Shorts and Barnes of Exeter, attornies, drew the conveyance which was made to one Parsons, and received the money for it; they deducted the mortgage money nearly 300*l.* and paid examinant the balance, about March last that he received about 70*l.* or 80*l.* more of Drake for corn and other

things, when the estate was disposed of: says, that he had also at his first coming into Mr. Blight's service about 1200*l.* in cash by him; that from time to time he has lent most of that sum with other sums of money to Mr. Blight, until they had a final settlement on the 15th July last, when Mr. Blight assigned and made over to him the property mentioned in the bill of parcels produced by Examinant, and gave him the receipt for the amount, being in the whole 2065*l.* 4*s.* dated 15th July last, and Examinant took possession and began the business on his own account the next day. Examinant gave Mr. Blight the bill of parcels and the receipt on the 15th July, and the next day gave him the letter promising to procure a lease of the premises. Examinant has had the possession of all the three papers, namely, the receipt, the bill of parcels, and the letter ever since, until he produced them on his former examination: says, that on the day the accident happened to Mr. Blight, he came to town about some business relating to the yard, some timber to Mr. Grey of Water-lane, Tower-street, who had had some oak plank from the yard. Examinant called to know how much more he wanted, but Mr. Grey was not at home. Examinant rode to the office and asked if Mr. Grey was at home; they said no. Examinant did not come on any other business of more importance to Mr. Blight, or any business at his request. Examinant does not know that any thing brought Mr. Blight to town from Margate, except the letter he sent stating the accident that had happened to him on the Thursday night. Examinant is certain he did not come to town on the 23d on any business of Mr. Blight's. Examinant says he knows a man of the name of Goom, but has had little or no transactions with him; he did not come to Goom on that day; he never had a bill drawn on and accepted by Goom, or ever said so to Mr. Blight: he never had a check from Mr. Goom, or a bill on any banker from him: Mr. Blight did not tell Examinant not to come back without the money,

or without having it settled. When Examinant got the spurs of Mr. Blight, and left him at that time, nothing passed with him and Mr. Blight about a check; there was no money transactions of any consequence between him and Goom. Examinant never told Mr. Blight about any money Examinant expected from Goom—if Examinant did expect any money from Goom, Mr. Blight had nothing to do with it. Mr. Graham was in company with Mr. Blight, when Examinant went into the back parlor to ask Mr. Blight if he could do any thing for him in town. Examinant positively says, that he did not on the Monday come to Goom about a check, or tell Mr. Blight that he meant to do so, neither did he ever give Mr. Blight any check or bill of Goom's. Examinant admits he did tell the Banker he expected a check from Goom, but Mr. Blight had nothing to do with it, it was Examinant's own property. Mrs. Blight knew of Examinant's having the receipt and bill of parcels, and it was with her consent that Mr. Blight gave them to Examinant, but Examinant cannot say whether she was present when Mr. Blight delivered them to him or not. Examinant is certain that Mrs. Blight knew every particular of the business and that he had the papers—consequently she must know that Mr. Blight had delivered them to him on the night the accident happened. Examinant had a pair of light coloured breeches on, the same he has on now, thinks he had boots on, cannot be certain whether he had on boots or shoes, believes he had shoes on and dark coloured stockings, has no other except two or three pair of old white ones, which he has not worn for some time, except some times on a Sunday, he cannot be certain what stockings he had on, some of his stockings are marked some are not Examinant did not know that the maid had jumped out of the kitchen window until she came back, when she told him; he did not hear her jump from the window; the parlor window was shut early. Examinant did not desire them to be shut—says the stockings now produced are not his, he does not re-

collect making any stockings so dirty as these are, looks at them again, says that most of his stockings are marked with common ink, and he does not think these are his. Charles a man who works in the yard, slept with Examinant on the Wednesday night after Mr. Blight's death. Examinant recollects it was after Mrs. Blight came home, therefore it must be Thursday night.

RICHARD PATCH.

Taken before me this
1st October, 1805.
A. GRAHAM.

MIDDLESEX, to wit. } *The said* Richard Patch *further says,*

"That he went to the privy two or three times after Mr. Blight was laid down on the bed, but he took no one to the privy with him, there were several people about, and he cannot be certain whether any body went into the counting-house or not—he is quite uncertain and cannot recollect whether the maid Hester Kitchener went into the counting-house with him or not, that might be—cannot say one way or the other, but to the best of his knowledge he thinks she did not—he does not know that she did —Says that the receipt and bill of parcels which Mr. Blight wrote and delivered to Examinant (as a form) was intended to protect Mr. Blight's family from the operation of a deed of trust which had formerly been executed when Mr. Blight was under some embarrassment in his circumstances. Examinant, according to the agreement, was to have one third part of the stock and business for 1250*l.* which he has paid to Mr. Blight at different times when the account was opened by Examinant at the Bankers. Mr. Blight said it was a

small account, and could not I pay a check in to make it look better upon the face of it. Examinant replied he could not tell. Mr. Blight said if I was to give a check in to make the account look better, it could be of no harm if it was not paid—it would not be paid he said if there was no effects. In consequence of this conversation, Examinant drew a check upon Goom for 1000*l.* upon a piece of plain paper which he paid into the bankers. Examinant had no conversation with Goom previous to his drawing the check upon him, nor had Goom any effects of Examinant's in his hands, Mr. Blight knew as well as Examinant that the check was not to be paid, it was his plan to make the account at the Bankers look better. Examinant never told Mr. Blight that the check was paid—Examinant never told Goom that he had drawn a check upon him, it never was presented for payment. Examinant gave the Bankers notice, with Mr. Blight's knowledge, not to present it for payment. Examinant says, that the reason he gave a former account so different to what he has given now, was with intention to protect Mr. Blight's family; Mrs. Blight, knew all the particulars; and so did Mr. Jones the surgeon, Examinant told Mr. Jones before Mrs. Blight, he thinks on the Thursday after Mr. Blight's death.

RICHARD PATCH.

Taken before me this
3d of October, 1805.
A. GRAHAM.

Mr. GARROW. Was not there a fourth examination taken?

A. I cannot recollect at this distance of time.

Mr. JOHN STAFFORD *called in again.*

Examined by Mr. CONST.

Q. Was there any other examination of Mr. Patch besides these three which have been read?

A. Yes there was one, which was a continuation of that of the 28th of September; we had left off, and then there were some fresh questions suggested.

Q. Was this that further examination?

A. Yes it was.

Mr. GARROW, (*to* Mr. GRAHAM.) Was that taken before you under the same circumstances?

A. Yes it was.

[*The following Examination was read:*]

MIDDLESEX, *to wit.* } *The further Examination of* Richard Patch,

"Who says, that no money transactions have passed between him and Mr. Blight within this month except a few bills which he has paid for Mr. Blight; only small bills. That he never paid any money into Mr. Blight's bankers, and was not to have paid any considerable sum lately —Mr. Blight never intrusted him to pay any money in his bankers, nor was he to pay any money in on his account. That about six weeks ago Examinant opened an account with Willis, Percival and Co. bankers, Lombard-street, and paid in about 2000*l.* in cash and bills, 1400*l.* of which Examinant received in bills of Mr. Blight, and gave him an undertaking to pay a bill drawn on and accepted by Mr. Blight in favour of Mr. Annin for the purchase of the ship Manship, which Examinant believes will become due about the 10th of next month.—Examinant never saw the bill,—the book will shew when Examinant received the bills he had of Mr. Blight, as he paid them into his Bankers, the day after he received them of Mr. Blight.—300*l.* of the other 600*l.* is

also in bills, which Examinant had of Mr. Blight and gave him cash for them; the other 500*l* or thereabouts was in cash, when Examinant says cash, he means money and Bank of England notes which he had by him, the produce of sales of timber, iron, &c which his book will shew the particulars of; the book he left in the back parlor; part of it was cash Examinant had by him, but he cannot tell the amount of it;—he had this part before he made any sales of the materials or stock that Mr. Blight made over to him.

Examinant further says, that on Wednesday evening after he was discharged from the Coroner, he passed about five or ten minutes at the Dog and Duck with a cousin of his and another man his acquaintance,—they are both servants:—a Mr. M'Duff called upon Examinant there, and he went home with him, Examinant not having eat any thing after he had his breakfast, and having drank part of two glasses of grog, found himself rather intoxicated.

RICHARD PATCH.

Taken before me this 28th of September, 1805.
A. GRAHAM.

Mr. JOHN STAFFORD.

Cross-examined by Mr. SERJEANT BEST.

Q. Who has got the pistols which were taken from Patch—you have them, have you not?

A. No.

Q. What sized pistols were they?

A. Small pistols—screw-barrelled pistols.

Q. Not such pistols as that ram-rod which has been produced would fit.

A. No, they were such pistols as a ram-rod is not used with; they were screw-barrelled pistols.

Mr. GARROW. That is the case on the part of the Crown.

L. C. B. MACDONALD. Prisoner, if you wish to say any thing in your defence, now is the time.

PRISONER. If your Lordship pleases, I must beg permission for the Officer of the Court to read this for me.

The Clerk of Arraigns read the Defence put in by the Prisoner, as follows:

MY LORD,

Your Lordship will, I hope, allow me to offer you my sincere thanks for the great pains you have taken to protect *an obscure, a most unfortunate, and persecuted man*, from the prejudice that has been raised against him. Whatever be the event of this prosecution, it must afford to the public the highest satisfaction to know, from your Lordship's conduct on this occasion, how anxious one of the first of their Judges is to secure, to those who stand accused before him, a fair and impartial trial.

Gentlemen of the Jury,

I could not enter upon my defence without expressing my acknowledgment to his Lordship for causing you to be summoned to this place to decide upon my guilt or innocence, instead of impannelling for that purpose twelve of the Gentlemen who attended as Jurymen during the assizes at Kingston. I do not mean to insinuate any thing to the discredit of those Jurymen; I doubt not that they were just and good men, who brought with them the best dispositions faithfully to perform the important duty with which they were charged: but by the various aggravated statements of this case in the news-papers, such an interest had been excited respecting it, and so much was it talked of in all places of public resort, that no one, who had remained a single day in an assize town, could come to the box with a mind sufficiently new to the subject on which he was to decide, as to be qualified to act as a Juryman. I could not then

find the least chance of an unprejudiced hearing, if the learned Judge had not directed a list of Gentlemen who had not sat on the Jury to be made out, and that those should be called fresh from their several homes to serve on my trial. This was the only course that could be devised to try me, by men who had not already canvassed and decided on my case; but alas I am afraid that even this precaution will not be sufficient: intelligence of whatever passes in the capital is circulated through every part of the Kingdom, and so much has the liberty of the press been abused, that I am afraid there is scarcely a man in England whose mind has not been set against me. I have been represented as a man capable of every crime, and held up as an object of public indignation. You will forgive my fears, that these things may have an effect on your judgment. I know you will endeavour to prevent their influence, but I feel how difficult it is for the human mind to free itself from any error to which it has once submitted, and to separate the account of a transaction laid before it in evidence, from that which it has heard from common report.

Gentlemen, the laws of England place those to whom the guilt of felony is imputed, in a situation of embarrassment unknown to any other Country. The prosecutor is permitted to avail himself of the assistance of counsel to lay his case before you, in the order most advantageous for the success of the proceeding, and to make such observations as are calculated to give the greatest effect to the evidence adduced by him. This privilege is denied to the accused; the law does not permit my Counsel to speak to you in my behalf; and I am myself a plain unlettered man, unused to Courts of Justice, and unaccustomed to speak in public. I am in no condition to give any answer to the observations that have been made to-day, or to explain all the circumstances which have been argued upon by the learned Counsel for the Prosecution. My defence was necessarily prepared before my trial began, and could be applied

only to what I recollect of the case as it appeared before the magistrate; it being impossible for me to know of any other facts that were to be proved, or to anticipate any of the arguments that were to be raised on them, I must entreat you to bear this circumstance in your minds, as you may otherwise think, there are points, that I ought to have explained, to which I have not adverted. It is with this view that I make these observations, as I am far from meaning to insist that the law which denies a prisoner the full assistance of Counsel (if rightly understood,) is liable to the objection of severity or injustice. On the contrary, it is founded on the same justice and humanity which distinguishes the whole code of English jurisprudence. The principle on which the practice stands is this:—That all felonies were originally punishable with death, and no man was to be subjected to that dreadful sentence until the crime was established against him by such satisfactory proof, that the ingenuity and eloquence of Counsel could raise no doubt in his favor. If this rule has any other meaning or intention, it is unworthy of a civilized state, and fit only for a barbarous and inhuman Government, that delights rather in the blood and misery of its subjects than in their security and happiness. If mine be its true construction, see how clear, how satisfactory, in all its points, how unanswerable must the case that is brought against me be, before you can convict me.

Gentlemen, the case is merely circumstantial; it is not pretended that there is any thing which affords direct evidence of my guilt. No one but the deceased saw the man who fired the pistol, and the testimony *he* has left behind him clearly acquits me of being that person.

There is no one circumstance, nor any chain of circumstances proved which *necessarily* shews me to be the person who fired the pistol; on the contrary, there is positive evidence to shew that I could not be that person. Although jurors have sometimes thought themselves warranted in convicting on circumstantial

evidence, it has been when there was no direct proof to combat the circumstantial, and where the circumstances proved were such as excluded all possibility of innocence, and which therefore demonstrated the guilt of the accused as clearly, and satisfactorily, as if he had been seen to do the deed. And; indeed, even in some of the strongest of these cases, after the unhappy prisoner has paid the forfeit of his supposed crime, it has been ascertained that it had been committed by some other person. Often, after such convictions, has accusing conscience forced from the murderer's breast a secret well calculated to give the most solemn warning to those who are appointed to try offenders, to move with fearful caution in the course that leads to death.

Gentlemen, when you consider that circumstantial evidence consists of a choice of proofs connecting, by the interposition of various facts, two things which have no connection with each other, you will readily perceive how dangerous it is to rely on a case proved by such evidence. If any one link be defective, the strength of the whole chain fails, and although the broken members may be sufficient to excite suspicion, they can in no rational man's mind induce conviction. All hope of that moral certainty which alone can authorize juries to say on their oaths a man is guilty, is gone the moment the least disagreement in the connecting points is discovered, or the least doubt of the existence of any one of them is excited.

Reflect on the various circumstances on which the strength of each link depends, and see if it be scarcely possible, that a chain consisting of so many facts, as to require a long day to lay them before you, and these proved by thirty or forty witnesses, can be perfect. Remember that upon each circumstance however minute, you are to satisfy yourselves of the credibility of the witnesses deposing to it, upon the accuracy of his first observation of it, upon the correctness of his memory, at the time he relates it—upon its agreement with some other circumstance in the chain of proof, and upon the

justness of the inference drawn from it, to establish guilt.—If you, or any one of you, are not satisfied on either of these points (for the whole twelve must agree in every thing necessary for conviction) the union which alone gives strength to such a case, is dissolved, and the presumption of guilt is destroyed. But allowing every circumstance stated to be true, still the charge against me remains unproved, for I might have said all that I am supposed to have said, and done all that I am supposed to have done, and still be innocent. Referring to what passed before the magistrate, for my knowledge of what is to be attempted in proof against me this day, I take it to consist in the establishment of these three propositions, First, That I had a motive to induce me to the commission of this murder; Second, That I had an opportunity of committing it; and lastly, That no other person could commit it.

With respect to my having a motive to commit such a crime against a person with whom I lived on terms of so much intimacy and affection, God knows I shrink back with horror at the idea of it! It is painful as death to me, to be obliged to discuss this proposition. No thought injurious to him ever for an instant presented itself to my mind; so far from intending him mischief, if my own life could have saved him from the assassin, it should have been made a willing sacrifice, instead of my having any motive to destroy him;—not only past acts of mutual kindness had formed an attachment which no clashing of interest could ever impair, but at the time of his death, his life was absolutely necessary to the welfare of myself and my family. My interest, as well as my regard for him, were sure pledges for his security from any injury from me.—My success in life depended on his living. At this time I expected from his support a return for the time I had employed, and the money I had embarked in his concerns.

I was just admitted to a share of his business—a stranger in this part of the country—unacquainted

with the persons with whom Mr. Blight dealt; that share became of little value in the event of his death. Credit and connexions were essentially necessary to the carrying on of this business. The life and friendship of Mr. Blight secured to me both these advantages—by his death I was deprived of them, and my chance of success in trade rendered desperate. Let it not be supposed that my interest in this trade could have been enlarged by his death. —His representatives would have been entitled to his share of the capital, and as the whole capital was necessary for the carrying on the trade, their share of it would have given them the same proportion of the profits which Mr. Blight himself would have received, whilst the whole profits would have been lessened by the want of his assistance and support.— So far therefore from his death affording me any expectation of advantage, it presented to me the certain ruin of all my prospects in life.

It has been suggested against me, that I was driven from my native place by poverty and distress. It is true, that I was involved in a suit about the tythes of my estate, which subjected me to some temporary embarrassment; but it *is not true* that I was reduced to a state of ruin, or that I had not property sufficient to establish myself again in business. I had an estate in lands, and I had a well stocked farm, when I left the country. I went back again after I had first come up to Mr. Blight's, and sold my stock—and last spring I sold the estate, and the money was remitted to me in London.

But I have suffered a long imprisonment; the expences of myself and my children, (of which I have four) together with the necessary expences of my trial, have disabled me from bringing up a number of witnesses from Devonshire, who could have proved that I had property, which has long since been converted into money, and which I have, at different times, advanced to Mr. Blight. With this property in my pocket, I determined to acquire a knowledge of the business of ship-breaking, and with this view,

and not for the mere purpose of *supporting myself* by my *labour* I entered into the service of Mr. Blight. It appears from the whole of the evidence, that although I submitted to be in the situation of his servant, I had lent him several hundred pounds; and if I had no more property than the prosecutors give me credit for having advanced to him, even that was enough to have placed me in some sort of business, and to have relieved me from the necessity of working for my bread. My choosing to become Mr. Blight's servant under these circumstances, is no proof of my poverty, or of my being unequal to pay for the share of his business which I afterwards purchased. I had more than 1300*l.* and actually advanced to Mr. Blight 1250*l.* before the execution of the agreement of the 31st of August, by which one-third of his business was secured to me. The death of my brother, who was the only friend I had in London besides Mr. Blight, whom I consulted on my affairs, has deprived me of positive evidence of these facts. Mr. Blight (and he only) ever knew that it had been advanced to him, and as my claims on him, on account of such advances, were satisfied by his assigning me the third part of his business, no direct proof that he ever received such money has been preserved. If any of you were to lend money, when the debt is cancelled by something being given in satisfaction of it, you would no longer preserve any voucher for the loan. The transaction of the 31st of August being a complete liquidation and settlement of what he owed me, you see that I cannot be now prepared to produce any memorandum of the original debt.

But there were many circumstances connected with the affairs of Mr. Blight, which rendered it impossible that any person but himself should know of these sums being advanced to him, and which would prevent any evidence of such advances remaining on his books. He had many private expences of which, even Mrs. Blight was not informed. He had natural children whom he supported, he

was a man of gallantry, and expended considerable sums on women. Before he got into the ship-breaking business, he had been a merchant and failed, and he was frequently pressed by the creditors of his former concern, he executed several instruments, and made various alterations in the state and accounts of his property, for the purpose of protecting it against their claims. From the papers of such a person, no satisfactory evidence can be expected; on his statements as to his claims, or his declarations as to the validity of any instrument, no reliance can be placed. Many apparently solemn instruments were undoubtedly fictitious, as for example, the assignment of the 15th of July, and all other papers connected with that transaction. In such circumstances, who can say what instruments were genuine, or what was the actual purpose for which any document was made; but in the midst of this darkness, one can discern proof, that the consideration for the purchase of the business was paid him, before that business was assigned to me. On the 15th of July, when he conveys to me all his property for the purpose of protecting it from his creditors, he values it at 2065*l.* 4*s.* the real value, as appears from the agreement of the 31st of August, was 3315*l.* it would have been valued to me in the transfer of the 15th of July, at the price of 3315*l.* had it not been understood between us, that I had before that time paid to him, 1250*l.* which added to 2065*l.* makes up the 3315*l.* As he had received from me the 1250*l.* I was to have an interest to that amount in the business, and the sum of 2065*l.* was mentioned in the transfer, to shew the share that remained to Mr. Blight, and which I was to revest in him, when we came to a final settlement.

On the 30th of August, when that settlement took place, he takes two-thirds for his 2065*l.* and leaves me one-third for my 1250*l.* From neither of these instruments is there any appearance of any thing remaining unpaid on my part; on the contrary, the plain import of all the documents is, that every thing respecting the transaction was closed. But

it is supposed, that the 1250*l.* was paid in part, by a check on Mr. Goom. It is a thing incredible, that Mr. Blight, who had been a merchant all his life, should take a *post* dated check drawn by me on a person whom he did not know, in payment of 1000*l.*; and that too, without ever enquiring of Mr. Goom whether I had any right to draw on him, or whether it was likely to be paid at the day it was drawn for. But there is a fact, which shows better than any speculation, that no part of the 1250*l.* was paid by the check on Goom; and that fact is, that the check was not in existence (or even thought of) until near two months after the transactions of the 1250*l.* was compleatly settled. I think I have proved by the assignment of the 15th of July, supported by the agreement of the 31st of August, that all that money must have been paid antecedent to the 15th of July, and the check was not made until the 7th of September, when it was deposited in my name at the Bankers'; as appears by their account and the testimony of Mr. Percival. If this check had been drawn for the purpose of paying any part of the purchase money, agreed by me to be paid for my third of the business, would it not have been drawn at the time I was put in possession of the business?

There is another circumstance that I trust will satisfy every one that the check was never made for the purpose of paying Mr. Blight. The business was valued at 3315*l.* of which I purchased one third at 1250*l.* That 1250*l.* could not be intended to form a part of the capital of the business, but was to go into the pocket of Mr. Blight, where in fact it had gone, by advances made by me to him previous to the 15th of July. If it was to have been added to the capital of the business, I should have had for my 1250*l.* a third share of a capital of the value of 4565*l.* which it is clear neither of us could ever have intended. The 1250*l.* being for Mr. Blight's separate use, and not a part of the capital of the trade, none of it could have been paid into the Bankers'

under my name, and therefore the 1000*l.* check which was paid into the Bankers', could not have been part of the 1250*l.* as is pretended on the part of the prosecution. In fact, Gentlemen, that check was only one of the many fictitious papers which the state of Mr. Blight's affairs induced him to make. It was drawn for no other purpose than to keep up appearances with the Bankers, and to conceal the real state of the cash balance; and whatever Mr. Blight or myself may have said respecting it, was said merely to give credit to those appearances. A merchant, surrounded by clerks, who record every concern relative to his business, would be enabled by the evidence of those clerks, to lay before you such a statement of his affairs, as would shew the amount of the property that he was at any time possessed of. But can this be expected from a man that has no such assistance? Would it be charitable or just to presume that such a man is poor (when his poverty is to be urged as proof of his being guilty of a capital crime) because he cannot, by a regular debtor and creditor account, establish the exact amount of his property? If I had advanced my money to persons now living, either by way of loan, or for the purchase of any articles sold to me, I might have called those persons to prove such advance.

But I cannot call Mr. Blight from the grave to shew what I have advanced to him; or when, and in what manner he received it. What more then can I do than I have done, viz. advert to the instruments of assignment of the business, which prove that he did sell me the third share of it, and that what was so sold had been paid for. I should hope you would think this a proof of property, and of the application of the property, in satisfaction of all demands of Mr. Blight. That is not to be shaken by vague declaration, or loose or idle conjecture. If you feel this, you will perceive I had no debt to cancel, no interest to advance, by the killing Mr. Blight. That, on the contrary, his murder was death to all my hopes, by destroying the business in which I had embarked my

property, and for which I had abandoned every other concern.

The next proposition advanced, and proof of my guilt is, that I had the opportunity of killing him. Opportunities I have had enough, if ever I could have been tempted to so wicked an act. From the circumstances in which we lived together, I could have done it, when no one was near, and when no vestige of my guilt would have remained. I knew when he was at home alone, and when and where he went abroad. Regard for my own security would have taught me to choose any place rather than his own house, and any other time than that when it was *known* that I was at home, and when there was another person close at hand to detect my guilt. I, who could at any time get near enough to him to have employed any means of killing him that I chose, should have used a more silent instrument of death than a pistol; the report of which I must know would alarm the neighbourhood, and summon persons to apprehend me. But any person, who fatally bent on Mr. Blight's murder, had not the same continual access to his person that I had, would seize the first moment that seemed to present itself for the accomplishment of his horrid purpose, without regarding the means for his detection which that moment afforded. The man who murdered Mr Blight did not know that he should have been able to get into the house; much less did he know, that Hester Kitchener was sitting within five yards of the spot when he fired the pistol. He expected only to be able to repeat the experiment of firing into the window, and with this view came armed with a pistol, which was the last weapon he would have used, if he had known he could have got close to the person of Mr. Blight, (as being for the reason I have already given) the most likely to lead to his detection. But he found the outer door as well as the parlor door open, owing to my having gone to the necessary, and was led by the light to the room in which Mr. Blight sat.

So far from my having the opportunity of killing Mr. Blight, according to the evidence, it is impossible that I could have done it. Hester Kitchener says that I was in the privy when the pistol was fired. From that place you will perceive by the model I could discharge no pistol that could hit Mr. Blight whilst sitting in the parlor. From the distance, and from the turns necessary to be made in my passage, and the doors that I must have opened, I could not have got to a situation from whence I could fire at him for a considerable time. From the situation in which Hester Kitchener was placed, she must know whether it was possible for me to get from the privy, after she heard me shut the door, to Mr. Blight's parlor before the pistol was fired, and she has said that the shutting the privy door, and the firing the pistol, were at the same instant. The kitchen, where she sat, was directly between the privy and the spot from which the pistol was fired, and her situation was only a few feet from either of these places, she had therefore the fullest means of knowing distinctly what she has said upon that subject; and I solemnly protest that her account of it is correct, that I had not the opportunity, that I was not the murderer.

It must be admitted, that if Hester Kitchener's account of seeing the flash and hearing the report, *instantly* on hearing the shutting of the necessary door, be correct, *it is impossible that I could be guilty.* But it may be said, that people often measure time incorrectly. True, I admit it, if the interval between the two events be long: but if one thing happens at the same instant with another, there can be no mistake. If this were a mere civil enquiry, only affecting the property of an individual, her evidence could not be so explained as to be reconciled with the idea of my guilt. But you are assembled on a case of life and death, and where positive proofs in favor of a prisoner must not be refined away by ingenious subtilties. Her evidence stands, (and you will presently find it confirmed by the conduct of the deceased himself,) as direct proof that I was not the person that fired the fatal pistol.

Much stress has been laid on my language and

demeanor soon after the shot by which Mr. Blight was killed. Is no allowance to be made for the agitation of mind consequent on such a scene? And, does not the language and demeanor of every person, afford different conclusions, according to the medium through which they are viewed. If the whole of my conduct be viewed through an impartial medium, it will be seen that I could not be guilty.

Should I have called in the neighbours? should I have suffered any one to see him? should I have run the risk of what he could or would say to those neighbours? It is not in the nature of things that one who had proceeded so far in the work of murder, as to have completely forfeited his own life, should stop until he had completed it, or that he should call in witnesses to see what he had done.—Yet, as soon as the shot is fired, and not only before Mr. Blight is dead, but while he retains his senses and his speech, I sent off Hester Kitchener to alarm the neighbourhood. Did any man ever hear of a conviction of murder upon evidence which shewed that the supposed murderer had given the first alarm, and that, whilst the man attacked by him was in a state to give evidence against him?

But, Gentlemen, Hester Kitchener is not the only witness to my innocence. The deceased has left behind him testimony which outweighs all the evidence which has been adduced against me. The man that shot him must, whilst in the act of shooting, have been full in the view of the deceased.—The door of the room, in which the deceased was sitting, opens from the left hand, and he sat in a part of the room opposite to the right hand side of the door. To enable a person to fire at the deceased with his right hand, the door must have been opened wide enough to present to the deceased the whole body of the person firing. It is well known that I make use of my right hand on all occasions, and therefore, if I had fired the pistol, the door must have been open wide enough to have exposed my person to the view of the deceased. If, as is most

probable, the murderer, for the purpose of making sure of his mark, advanced nearer to the deceased than the door, the observation that he must have seen the person who shot him is still stronger.—Mr. Blight knew my person well, and had seen me but a few minutes before he got his wound, and must have known, if I had fired the pistol, that I was the person from whom he received that wound.—Yet he never expresses the least suspicion of me; on the contrary, he continued, till the moment of his death, to shew great regard and fondness for me—appeared uneasy whenever I left him—and, by his will, the last solemn act of his life, sealed his conviction of my innocence and the confirmation of his opinion of my integrity, by appointing me an executor.

The third proposition is, that no other person but me could have done it. The evidence in support of this proposition completely fails. Both on the Thursday night and Monday night, it appears that there were sufficient opportunities for the person who fired the shots to escape from the premises of the deceased: the timber in the yard afforded many places for him to conceal himself. On the Thursday night the premises were not searched, nor on the Monday night, until some time after the pistol was fired; not until after the maid servant had gone and procured assistance, and until a considerable time had been employed in attending to the deceased. During this interval, what was there to prevent the murderer from getting away with ease and safety over the gate or the pales, from which no less than three passages would have conveyed him out of the reach of suspicion; one directly facing the gate, a second to the right hand, and a third to the left. It is, I think, most probable, that on both nights he stood some short time in the yard, because he must have heard the persons passing by in the lane, particularly the five persons with the link on Monday night, and must have expected that they would have stopped him had he got over the pales immediately on the

report of the pistol. But, supposing him to have waited, as he naturally would, when he heard persons in the lane, in the hiding places which the yard afforded him for a few moments only, there was nothing either night to prevent his getting away The persons who were in the lane did not continue there for any length of time: the young women, of the name of Davis, after stopping (as they say) two minutes on the Thursday night, passed on, and Michael Wright and his wife, the only persons near, went into the house with me and left the gate open for him. The persons who were going by on the Monday night did not stop a moment, but, as one of them says, *went on quickly*, by which every avenue was left clear. This part of the prosecution depends on the supposition that the murderer must have attempted to get away *immediately*: if that supposition is negatived, the whole body of proof is disposed of; this supposition is negatived by the probability that the noise and light in the lane, would whilst they continued there arrest his flight, and also by the conduct of some of the witnesses who thought it right, when it was too late, to search the premises. I cannot leave this evidence without pointing out to you a contradiction which shews the inaccuracy of the observation or recollection of the witnesses, and affords a proof of the danger of relying on a case made out by a long string of facts, none of which, taken separately as they occur to the witnesses, make very strong or lasting impressions. The two Miss Davis's say they stopped *two minutes* in the lane, that they *heard no noise* except the pistol, nor *saw any person come out of the premises.* Wright says he heard the pistol near the watch-box; that he was at the gate in *half a minute,* and found *me standing there with the gate open.*

As the proof, that no one but me could have fired that shot, depends almost entirely on the testimony of these persons, this contradiction is sufficient to shew you how little you can depend upon such testimony. If you consider well this evidence you

will see that it is not sufficient *so* to shut out the rest of the world, as to leave to me alone the possibility of doing the act. No man's enemies can be numbered, nor can the causes of enmity, or the lengths to which it will carry those who feel it, be ascertained.

Gentlemen, it will not be expected from me that I should touch upon every little point, or explain every expression that I may be charged to have used. I trust I have satisfied you on the great leading features of the case; and, having disposed of them, all circumstances of less importance will, I am sure, vanish from your observation. You will not rely on loose broken parts of conversations. No conversation can be trusted to, unless you know the whole that was said, and the circumstances under which it was said.

Gentlemen, my fate is now in your hands—as you decide, I live or die. So completely subdued am I by the long imprisonment that I have endured; so galled and mortified by the slanders with which my ears have every day been assailed during my confinement; that, looking to myself alone, success and failure are alike empty sounds. But I have four young children, whose destinies are linked with mine, who, if I live, will depend on my labour for support; if I fall will be left to complete absolute beggary. I know their ruin could not and ought not to avert my fate, if the case were completely proved against me.

But if there exists a doubt as to my criminality, let their misfortunes claim the advantage of that doubt, and restore to them their natural protector. Nothing further remains for me to trouble you with, but to assert, which I here most positively and solemnly do, my innocence of the dreadful crime imputed to me.

EVIDENCE FOR THE PRISONER.

Mr. JOSIAS SLEE *sworn.*

Examined by Mr. SERJEANT BEST.

Q. Where do you live?
A. At the bottom of Tooley-street.
Q. What are you by business?
A. An ironmonger.
Q. How long have you known the prisoner at the bar?
A. About two years and a half.
Q. During the time you have known him, what has been his character?
A. I have never known any thing amiss of him.
Q. Has he borne a good and respectable character?
A. I have never known any thing to the contrary.

Mr. JOSEPH HUFFAM *sworn.*

Examined by Mr. SERJEANT BEST.

Q. What are you?
A. A stationer and ship chandler, and a dealer in ship stores.
Q. Where do you live?
A. In Tooley-street.
Q. How long have you known the prisoner at the bar?
A. I think about three years.
Q. During the time that you have known him, what has been his character?
A From every thing I have heard from Mr. Blight, every thing that was honorable.
L. C. B. MACDONALD. What has been his general character?
A. His general character I only learnt from Mr. Blight from a very particular circumstance.

Mr. RICHARD POOLE *sworn*,

Examined by Mr. SERJEANT BEST.

Q. What are you?

A. I have been a builder.

Q. Where do you live?

A. In Bermondsey.

Q. How long have you known the prisoner?

A. From the middle of last September twelvemonth.

Q. Have you known him intimately?

Q. Not intimately, no otherwise than dealing at the yard.

A. From what you have known of him, what has been his general character?

Q. I always looked upon him to be an industrious careful man.

A. What character has he borne as to humanity?

Q. I never heard any thing against him; I have heard him talking with the men in making a bargain, and he seemed very humane to his workmen in making a bargain.

(Several others were called, but did not appear.)

Mr. SERJEANT BEST. We will not trouble your Lordship with any further witnesses, as they do not seem to be in immediate attendance.

Printed by H. Teape, Tower-hill.

SUMMING UP.

LORD CHIEF BARON MACDONALD.

Gentlemen of the Jury,

It has been very truly stated to you, in the extremely perspicuous opening of this case, that it is one which requires more attention perhaps than ever presented itself to a Jury; at least, in the course of my observation I have never met with one that required more.

Gentlemen, before I proceed to lay this evidence in a connected state before you, I will make a few observations upon the nature of the evidence that has been adduced; it is true, it is what is called circumstantial evidence; that is, it is evidence no part of which is direct proof of the fact being committed by the individual charged; but that must often be the case; and it is very frequently the case in the crime that is imputed to the prisoner at the bar: for few people do these things when other persons are present; they take all the care in their power that no distinct witness shall be in the power of the prosecutor to produce.

Now when those circumstances connect themselves closely with each other, when they form a large and a strong body, so as to carry conviction to the minds of a Jury, it may be proof of a more satisfactory sort than that which is direct. In some lamentable instances, it has been known that a short story has been got by heart by two or three witnesses; they have been consistent with themselves, they have been consistent with each other, swearing positively to a fact, which fact has afterwards turned out not to be true. It is almost impossible for a variety of witnesses, and speaking to a variety of circumstances, so to concert a story, as to impose upon a Jury by a

fabrication of that sort, so that where it is strong, cogent, and powerful, where the witnesses do not contradict each other, or do not contradict themselves, it may be evidence more satisfactory than even direct evidence; and there are more instances than one in which that has been the case; whether this is a case of that nature; namely, whether the witnesses are in the first place consistent with themselves; secondly, whether they are consistent with each other; and thirdly, whether they lay before you a body of evidence of a kind such as carries positive conviction to your minds, will be the questions you will have to decide.

Gentlemen, on the part of the prosecution, for the sake of perspicuity, your minds have been called to attend to three distinct subjects; the first is, a system of fraud and deception upon the deceased; and the inference drawn from that, is, that no good case can possibly have so rotten a foundation. The prosecutor means to bottom himself in satisfying you, that fraud and deception was carried on for a considerable time upon the deceased, Mr. Blight. The second is, that the firing of a pistol upon Thursday the 19th, was entirely a contrivance, and was an introduction to the fact that happened afterwards upon the 23d, namely the firing of a pistol in reality hostile, and the firing it with fatal effect.

These three points you will have the goodness to attend to, as I read the Evidence; and I should mention to you, that the motive which is ascribed to this man is this, that he being a man in poverty, had worked himself into the good graces of his master, to the degree of being admitted a partner to a third share of the business; that 1250*l.* was to be paid for this; that he had paid 250*l.* but that there was a continued series of deception with respect to the payment of the 1000*l.* and that when it came to the pinching day, on which Mr. Blight came to town and insisted, as one of the witnesses has told you, that he should go and get this money, or not come back again without it, he formed the desperate hope of getting the share

of the business without payment of that 1000*l.* at all, by referring to the contract of the 15th of July; that that was the motive which influenced him to get rid of Blight, intending to get this one third share of the business, and never to pay that 1000*l.* at all.

The first witness called, is Richard Frost; he says that he keeps the Dog and Duck, public house, near the premises of the deceased, within sixty yards; that, between eight and nine o'clock on the 23d, Hester Kitchener, the maid servant of the deceased, came to him; he went directly to Blight's house, and found the gate fast; that he did not try the wicket, but got over the gate; that he made next towards the front door; he does not remember whether that was open or shut; he saw Blight in an arm chair on the left hand side of the fire place, in the back parlour, and Patch was in the room; he did not see any other person; that Blight was apparently in pain, supporting himself by his hands upon his chair. In a minute or two, the prisoner desired him to go for Mr. Jones, a surgeon; he accordingly went, and afterwards staid with him, only going out at some intervals, from time to time, till he died, which was at three in the afternoon of the next day.

Mr. Astley Cooper says, that he was called in by Mr. Jones; I believe he has had experience in the army in gun-shot wounds, and was therefore called in; that he came about three hours after Mr. Blight had been shot; that he found him lying upon the floor in the back parlour; that Mr. Jones pointed out the wounds upon his body; that the room was in a very crouded state, and Mr. Blight was lying in a very inconvenient posture; that he ordered every body out of the room, excepting Mr. Jones, the surgeon; Mr. Younger, another surgeon; the prisoner, and a Mr. Ferguson, a friend of the deceased; that he then examined his wounds, and found one on the fore part of the body about two inches from the navel, on the right side, and another on the loins; the character of a gun-shot wound was visible; that he saw the contents of the bowels pass out of each wound; he there-

fore pronounced the wounds to be mortal, and ordered him to be kept as free from pain as possible by opiates; that he staid till next morning; that he thought it necessary to make some enquiry as to the person who might have done this; and that, in the presence of the prisoner, he said to Blight, "Is there any person you suspect?" "No," he answered, "God knows, I never did any body an injury which should lead him to wish to take my life;" but that the prisoner, anxiously said to him, that he suspected a man of the name of Webster; that he turned toward Patch, and said, "Who is this Webster?" The prisoner answered, "He is suspected of having robbed these premises; a search warrant had been granted, and his premises searched, and his son has since absconded." This was evidently meant with a view to shew that there was no great degree of improbability in some of the family having robbed the premises, and fired this pistol and absconded. Mr. Cooper says that he said, "Surely you should send to Bow Street, and the premises should be again searched." The prisoner answered, "No; for nothing could be found, and if nothing is found, I shall certainly be shot, or they will certainly shoot me."

Gentlemen, the observation made upon this, is, that it would have been the most natural thing in the world for one friend coming in, and being told that his friend was murdered, when a proposition was made for making the earliest possible enquiry, instead of feeling an indifference about it, or instead of having an anxiety about himself, fearing that he himself should be shot in case nothing was found upon the search, that he should have felt an anxiety to discover the real author of the mischief.

Mr. Cooper goes on to say, that he suggested to Mr. Blight the propriety of settling his affairs; that he said he had the draft of a will which was not signed, and needed alteration; that the will was brought in by the prisoner; and Mr. Blight expressed a desire that the name of the prisoner, and that of Mr. Robert Ferguson, might be added as executors to the

person already mentioned in his will; that some interlineations were made, and then Mr. Blight, with much effort, signed the will; that he then went to bed, and that soon after six o'clock the next morning, the prisoner came to him (Mr. Cooper) and told him, that Mr. Blight was in great pain, and wished to know if he could do any thing to save him; Mr. Cooper answered he feared not, but rose and went into his room, where he found Mr. Blight in a great deal of pain; that he soon afterwards went to town, and returned at four in the afternoon with Dr. Babington to Mr. Blight's, but found he was dead; that he afterwards opened the body; and he says that the wounds which Mr. Blight had received were undoubtedly the cause of his death; a fact which must be proved to you. Mr. Cooper says, that upon his observing that the will should be put in proper custody, the prisoner took it readily out of his pocket, and it was sealed up and deposited with a gentleman of the name of Brent.

Upon his cross examination, he says that this happened two hours after Mr. Blight's death; that the prisoner was present in Mr. Blight's room the whole of the evening, whenever he was there himself.

Gentlemen, having ascertained what was the cause of Mr. Blight's death, we come now to the first transaction, which was the firing of the pistol on the 19th of September; with respect to that, several witnesses have been called to prove that they were in such a position, that had any persons come out of these premises, they must necessarily have seen them, the ways in which any person could come out are described to you, and they undertake positively to say that no person did come out of the premises. The inference from the comparison of their evidence therefore is that it must have been done by some person who was on the premises.

The particular witnesses tell you these facts.

Ann Louisa Davis says, that on the 19th of September, she was coming by these premises between eight and nine o'clock in the evening; that it was dark; that after she had gone beyond the gate to-

wards the corner of the alley, she could just see the gate; that there were three other women in company with her; that she saw the flash of a pistol, and heard a very violent report; it appeared to her to be on the right hand of Mr. Blight's wharf; she could not judge on what part of the wharf, that upon this, she, and those with her, stood still two minutes, but they neither saw or heard any one on the wharf; that if any body had got over the pales after the pistol had been fired, she thinks she must have seen them, but that no one in point of fact did get over; that she heard no noise in Mr. Blight's house; that she went on towards Rotherithe; that she saw some men at the Dog and Duck, and saw nobody but those, and that no one came from the house, or the wharf.

Her sister Martha Louisa Davis says, she remembers the pistol firing, she saw no one stirring on the premises, or coming from them; that from the situation in which she was, she must have seen them, if any one had been passing from the premises.

Michael Wright says, that he lives in Russell-street, Rotherithe; that he was returning from Deptford on this night; that about ten or twelve minutes after eight o'clock, he went by Mr. Blight's house; that sixty or seventy yards before he came to the gate, he saw a man who was lying drunk; that he had some conversation with some other person, who said, that he had tried to get him home, but could not; that at this time he heard the report of a pistol; that he did not see any one but Patch at the gate; that Patch asked him if he had met any body running down the alley, and that he must have met any person who attempted to escape that way, but that he saw no one; that Patch asked him to step in with him, for he had been fired at, saying, "I wish you would step in 'till the servant returns;" that accordingly he (the witness) went in; that Patch said, "I will fetch a candle and shew you where the ball went through;" that he took the candle, and the witness saw a hole through the shutter and the lower part of the window frame; that he (the witness) took the candle

to see if the ball could not be found, and by that time the maid servant came in with some oysters.—Patch said to her, "I have been fired at, or shot at, since you have been out;" that Hester Kitchener picked up a ball three or four feet from the window; that it appeared to be a half circle, as if it had been cut or flattened against something, and that the prisoner and he then went into another parlor.

Then, Gentlemen, there follows another circumstance, which has been much remarked upon, as shewing that there was no real apprehension in the prisoner's mind at this time, but that on the other hand, it is a circumstance shewing, that this was a pretence that he was conscious that there was not any real firing at him by a stranger.—Mr. Wright says, that he asked Patch if he should fetch any body to sleep in the house, for it was very alarming, but that he said, he need not give himself that trouble; the witness said, "It might be from a police boat chasing a smuggling boat;" the prisoner answered, he did not think so, if it were, he should be content in his mind there would be no more of it; the witness said, "If I were you, I should advertise it by hand bills the next morning, and likewise in the public papers," towhich the prisoner replied, "you may depend upon it I will, and I will bid fifty pounds reward," which never was done. Wright says, he then fetched Frost, and he asked the prisoner if he had any fire arms in the house; he said, he had a pair of pistols which cost him five guineas; Wright said, they must be very good ones at that price; the prisoner said, he had no ammunition; Frost said, he would supply him with some, and they went all together to Frost's to get some ammunition and a candle.

Upon his cross examination, he says, that the watch box at which he stood, is about sixty or seventy yards from the gate; that he passed on immediately towards the gate, when he heard the pistol, which took him about half a minute; that the road to Deptford is on the left, that to Rotherhithe is on the right, and there is another facing the gate leading to a public road;

there are no houses in this road till you get to a house on the public way; that he was more than half an hour employed in this examination; that the prisoner shewed him a house at the end of that road, but that is at a considerable distance; that he cannot say, whether a person standing at the bend in the lane, could see any person coming out of Blight's gate.

Richard Frost is again called, he says, that he was fetched by Wright on Thursday night; that he saw the prisoner there; he saw him standing in the front parlor, and asked what was the matter; he said, he was sitting close to the table, and had been shot at;— Frost asked him where he thought it could come from; he said, he did not know; that he asked him if he suspected any body; he said no; that he asked if he had any fire arms; he said he had, but they were of no use for he had no ammunition; that he (Frost) told him he would give him powder, and endeavour to find him a ball; at this time the maid servant came in, and said, "Mr. Patch, there is no candle," he answered, "Frost will lend you some;" they all came out and went to his house; that he then asked the prisoner, if he would accept of powder and ball, but he said, "never mind, I will go home and go to bed, for the villains will be there no more to-night;" that he went out, and the maid went with him.

Mr. Kinnard then proves his own plan, describing the premises; he says, that that part of the fencing of the house which is palisadoed, is extremely slight, and would bear but a slender weight; that there was a close paling towards the wharf; that the outside paling is nine feet six inches, and that the paling on the inside is some of it about six feet high, and other parts about five feet six inches; that within the paling there is a quantity of old ship timber, that if a person was standing at the corner, he would command a view of the gate; that you might pass to the cross road and not be seen at ten yards off; that the depth from the wharf to the mud at low water is about five feet, but it turns out to be considerably more; Frost says ten feet, and that the

mud is very loose, and a person would sink up to the middle.

Hester Kitchener says, she had lived with Mr. Blight about two months; that the family consisted of her master and mistress, one child, the prisoner, and herself; that her mistress went to Margate, and her master also; that her master returned and went from home again upon the 19th of September; that the family used to sit in the front parlour, and had done so for seven weeks before this time; that when her master was gone, she and the prisoner only were at home; that the prisoner sat in the front room; that she was ordered to go out for oysters at near eight at night; (this still continues the story of the previous evening) she was gone about nine or ten minutes; that it was much about twice the length of the room we are sitting in; she got the oysters and returned, and found the prisoner talking with a man and a woman close to the window; these turn out to be Mr. Wright and his wife; the prisoner said, "is that you Hester? I have been shot at;" she said, "Lord have mercy upon me, where!" he said, "through the window," pointing to it; that she had fastened that window by his direction earlier than usual; the prisoner said, he was very poorly and should go to bed early; that he sent for Frost the publican; that Wright went for him; that they then looked for the shot, and at last found it underneath the window it had come in through; that the prisoner said, he did not know that he or Mr. Blight had any enemy in the world that they knew of: that they all went to Frost to get some candles, and left no one in the house; that there was no search whatever made that night that she knows of.—The prisoner usually slept over the counting-house, but that night he slept in Mr. Blight's bed for her protection; that Mr. Blight returned on the Monday, about seven o'clock in the morning, went out in the morning, and after that the prisoner went out on horse-back; that the prisoner had boots on; he usually wore boots; that she saw the prisoner along with her master in the back room, where they had not sat

for seven weeks before; that the prisoner then had shoes on she believes, and white stockings; that she did not observe whether they were ribbed or plain stockings; that the premises were made fast as usual, the gates were made fast when the people left their work; that the front door shuts by a spring lock, and opens by a key from without; that the prisoner and the deceased had tea, and grog afterwards; that the kitchen door is nearly opposite the door of the back parlor; where she was sitting she could not see the parlor door; that half an hour after she had carried in some water, the prisoner came into the kitchen and asked her for a candle, saying, that he had a violent pain in his bowels, and it was necessary for him to retire immediately; he took the key of the counting house off the dresser, and went out of the door, and she heard him go and open the counting house door, and heard him slam that door after him, which sticks if you throw it pretty hard without locking; she then heard him go across the counting house very quick, and heard him slam to the privy door, which slammed in the same manner as the other did, and her words are, that the instant she heard the privy door slam in this manner, she heard the report of the pistol; that her master immediately came into the kitchen, came up to the dresser, and said, putting his hand to his side, Hester, I am a dead man; that she replied, "Lord have mercy, I hope not!" She screamed, and ran to shut the front door, and found it wide open, and as she was returning, when she had got half way to the parlor door, she heard a violent knock at the door; that she returned, and found the prisoner at the door; that his breeches were all unbuttoned when he came in, they were light coloured breeches; she supposes he was holding them in his hand, but of that she cannot speak positively; he said, "Lord have mercy upon me, what is the matter?" upon which she said, "my master is shot:"—that the prisoner and she led him into the parlor; that they usually burnt two candles, but she cannot say whether they had one or two at that time; the prisoner said, he

would go and got some assistance; she said, "you cannot go, I am afraid to be left alone, if I go I will, jump out of the kitchen window;" she did so, and went to Mr. Frost, who came back with her, and jumped over the gate; that she did not see any person in going or returning.

That they were examined privately before the Coroner's Jury; that the prisoner said, he did not know what to make of the people; that there were strange ideas the people had got, and that she was to speak the truth, and nothing but the truth; this was the night before the Coroner's Jury were to sit on the Wednesday; that the prisoner was then at large; that she recollects being in the kitchen with her mother, the prisoner, and Stonard; but that she does not recollect any talk of what had passed before the Coroner's Inquest; that the prisoner and her master had been out half an hour before the prisoner came into the kitchen; that they were out as long as might be occasioned by their making water.

Now, Gentlemen, a great deal depends upon the sense that shall be put upon the words that this woman used with respect to the time, at which these things occurred. It has been truly observed, that there is nothing we are so little in the habit of, as measuring with any degree of correctness, small portions of time. I am persuaded, that if any one were to examine with a watch, which marks the seconds, how much longer a space of time a few seconds or a few minutes really are than people in general conceive them to be, they would be surprized; but, in general, when we speak of a minute, two minutes, or an instant, we can hardly be understood to mean more than that it was a very short space of time; how short, it is impossible for us to say; therefore we must conceive this woman to mean, that a very short space of time elapsed, between the noise of the privy door and the report of the pistol. It will be for you to judge, whether, attending to the distance which you see marked out, observing that there are several turnings to go through, and two or three apart-

prisoner) was in the same danger, having been shot at the Thursday before; that the prisoner took him into the front parlor, and shewed him the manner in which he had been shot at; that he told him he was sitting at the table with his head leaning on his hand, and, that, according to the direction the ball had taken, it must have come within six inches of his face; that that was the seat where Mr. Blight usually sat, and he had no doubt it was intended for him; he then returned to where Mr. Blight was; that the prisoner said he had a pain in his bowels, and found it necessary to go out; that the prisoner, when he went out, said to Mr. Blight, "I must go to the privy —I do not like to leave you:" that finding the parlor door and the front door had been left open, he, (the witness) said it was very wrong to leave Mr. Blight unprotected, without fire-arms, or any body with him; to which the prisoner answered, "That he did not think any harm of it—he did not see the danger:" That he asked him again, if he would commission him (the witness) to go to Bow Street; that he was certain there must be a cause, for human nature was not so depraved as that one man should kill another without a cause; that he then turned to the witness and said, "He had as much right to suspect him as any man; that he had not the least conception who it was:" That he advised him again to apply for some assistance to discover the person, and then he went away, finding that his services were not accepted; that the prisoner said, "That the deceased and he had been upon the alert all day, for all the evening they expected a visitor of this kind, and had been on the wharf a few minutes before." Now, Gentlemen, so far from having been on the alert, you hear from the maid servant, that Blight came home tired, having travelled all night; that he had rode to town in the morning; that during the afternoon he was sitting with Mr. Graham, and part of the time with the prisoner, and that there had been no examination of the wharf or any part of the premises in the evening. Mr. Morgan tells you, that in consequence of

his saying this, that they had been upon the alert, the witness said it was very wrong to leave Mr. Blight, and it was more wrong a great deal to have left the door open, and leave Mr. Blight unprotected; this he said, with full a persuasion, from the account that had been given to him by the prisoner, that the shot on the Thursday evening was a genuine shot, and that that was the occasion of his remark; that it was extremely wrong to have left the deceased with the door open, he having stated that the deceased and himself had been upon the alert all day.

James Berry, a Gentleman who accompanied Mr. Morgan, says, that when they got up to the door Mr. Morgan knocked, that the servant girl came to the door, and asking who was there? they answered, "two friends, do you want any assistance?" that the girl answered, that they wanted no assistance. That Mr. Morgan and himself insisted upon going in; at this moment the prisoner came to the door, and immediately let them in; that he began, by saying to Mr. Morgan, "what a shocking thing this is that has taken place!" that Mr. Morgan said, "this is not a time to talk about that now, shall I search the premises?" he said, "I shall be much obliged to you, if you will take that trouble," that he (the witness) went into Mr. Blight's room, and saw saw him sitting in an arm chair, and came out immediately; that the prisoner or the servant, by this time, had got a candle and lanthern, which they gave to Morgan; that the prisoner said, "the best way to proceed, will be to go and search the vessel; on the Thursday, when the pistol was fired, we thought we heard a rumbling in that vessel;" that the prisoner then went with a candle, to a remote part of the yard by himself, towards where the stone mason's yard was; the witness took the more notice of it, because he thought it a very extraordinary circumstance; he thought it rash in him so to do, when there was firing pistols and killing people going forward; that he was gone about a minute and a half, and that he then returned and went into the house without taking any notice of him or

Mr. Morgan; that they went to search the vessel; they found it lay fourteen or sixteen feet from the wharf, with her heeling off towards the river; that they could not possibly get to the vessel for the mud; that there were no signs of any one having gone on the mud; that from the edge of the water to the top of the wharf, was fourteen or fifteen feet perpendicular; that no person from thence could shoot into the window, where it was marked with the shot; and that the vessel lay in such a position, so much further towards Rotherhithe Road, that it was impossible a shot from her could have struck where this mark of a shot was; that he went into the house, and found Mr. Blight lying on a bed.

On his cross examination he says, that it was twenty minutes after the pistol had been fired before they began to search the yard, and that he thinks the gate was then on the latch.

John Pring, then produced the shutter lying before you, which he had brought from the house.

The next witness is Charles Stonard, a labourer of Mr. Blight's; he says, that upon the 19th, he left his work at six o'clock, that the prisoner shut the gates up, that the next morning he heard that a shot had been fired in the night before at the window, that he looked at the place; he then looks at this shutter and the sash, and says, they were those which the ball had passed through; that it was the lower sash, that that sash was placed only two feet nine inches from the ground; that at eight o'clock that evening it was low water, that at low water a man would have to drop about twelve feet, that a person could not get that way without being up to his middle in mud, that a vessel was breaking up there;—whether the decks of the vessel were off or not, he cannot say, but the beams were there;—being asked how the vessel lay in relation to the window, he says, she lay towards the Stone-mason's yard; you will observe, Gentlemen, if that is so, it is impossible that the shot should have come from the deck of that vessel if she had a deck; he says, that any one in that vessel could

not by possibility shoot through that window; that the distance across the wharf is about twelve yards, and that being ten or a dozen feet below the wharf, a person could not hit so close to the ground as two feet nine inches, but that it would be necessary for the ball to go to a much greater height; that there is a large crane there; that the hole in that window-shutter, slants in a direction, showing that the muzzle of the pistol must have been pointed downwards; that this crane has no house belonging to it, that there is no place of concealment at this crane; that any person, in order to have escaped, must have got over the gates which were all shut; (the Miss Davis's telling you that if any person had got over the gate they must have seen it); that on Tuesday night he sat up along with his master, and on Wednesday night also; that on Thursday night he slept with Patch in his usual room. That he carried no apparel with him but that which he brought away again, that he left no white stockings; that he had never been in the room before, but has been since that; he never carried any stockings and left them there; that the pales towards the Stone-mason's yard are extremely slight, that a person could not go over them without breaking them; that none of them appeared to be broken after his master was shot.

That on Tuesday, before the Coroner's jury sat, Hester Kitchener and her mother, were together in the kitchen, and that the prisoner and he were drinking grog there; that the prisoner said to Hester Kitchener, "Now, Hester, you are going before the Jury, you must speak the truth, and nothing but the truth;" that she said she should speak the truth——I agree in the observation that was made to you, that if the conversation had stopped here, it would have furnished nothing of great importance; I should not at all wonder at any man feeling an interest in the matter, saying that; but why he should suppose himself to be the person suspected, we have not the least reason to know; the observation is that you have it first from himself that he was suspected, for there

was not, as far as we have heard from any of the witnesses, the least suspicion expressed of him, certainly none by Mr. Blight himself; but then there are material expressions that follow; they are certainly in the nature of leading questions, in the nature of suggestions which prompt the answers themselves, for he goes on to say, they will cross question you, and ask you a good many questions, and if you begin upon one story, you must keep to that story and no other; if you do not, you will get me into prison; and now they will ask you whether you gave me a candle, you know I asked you for a candle and you gave me a candle; I took the candle out of your hand and went into the privy, and you heard me shut the privy door. They will ask you all these questions, and you must tell them so. That this was between ten and eleven o'clock, upon the 24th, the very day after Mr. Blight died. It certainly does appear singular, that he should have come into the kitchen and converse with this girl in this way, calling to her memory, and suggesting to her matters that might be material with respect to his safety; at that time no one creature having expressed the slightest suspicion of him; that the next day after the examination, before the Coroner's jury, he came into the kitchen, and said—"I was as near being hung as ever was any thing in this world," that there were no others besides the Prisoner and Hester and himself, in the kitchen, at that time that the prisoner added, "but if I had I should have been as happy as I am now."—What those words import you will consider; I can put no precise construction upon them. They may mean that he was so distressed at the loss of his master, that he would almost as soon have lost his own life, or that he was extremely wretched in his own mind, and could not have been more so if he himself had been the object of this crime; which of those constructions you think ought to be put upon the words, you will judge. That the prisoner added, some people seem to think it was I that shot Mr. Blight; the jury asked me whether I had a couple of pistols, I told them I

had a couple of very short ones somewhere above-stairs in the box, you have seen me have the pistols, have not you?—Those pistols, you observe, Gentlemen, are pistols which could not possibly have been used upon this occasion, because they were pistols which had no ram-rods, they were screw barreled, and the pistol used upon this occasion most probably had a ram-rod; that he (the witness) replied, "it was not this that shot my master, it was a larger one," upon which he said, "damn it, some people seem to think it was I that shot Mr. Blight, but one person shall take one of these pistols in one hand, and I will take the other, and he shall have the first fire at me," meaning that those pistols would be very fit for such a purpose as this, and that if any one dared to charge him, he would make use of them in that way; I suppose that was what he meant.

George Smith tells you that he is apprentice to a shipwright, that the evening on which Mr. Blight was shot, he was passing the premises, and that when he got to the fence very near the gate, he heard the report of a pistol or gun. That it appeared to be fired in Mr. Blight's yard, that there were three other boys and five labourers with him at the time. That they were only ten or eleven yards from the gate, and one of the labourers who happened to be going before him had a link, which gave a good light; that no one that he saw came from Mr. Blight's, but that if any one had crept over, or jumped over, he must have seen them; that he might be a minute more or less within sight of the premises, that they heard no noise occasioned by any person walking, or attempting to get over, that they did not stop at all but kept going on.

You observe, Gentlemen, that the gates and the fence are such, that a person might with great ease get over on the inside, for there were pieces of wood lying on the inside, that they might easily have got up; but this witness, and several others in different parts say, they must have seen any person who attempted to do so.

John Brown says, that he was with the last witness, that when they got almost by Mr. Blight's gate, they heard the report of a pistol or gun; that five men were just before him; that on the path where he was, he must have seen any one coming out of Mr. Blight's premises in any direction, that is, either going towards Rotherhithe, Deptford, or across to the back-road, which leads to the public highway. That Smith said, "Oh! they are shooting at the ship-breakers again," which shews their attention was drawn to this. These witnesses you observe, therefore, Genlemen, undertake to say, that in the position in which they were, they must have seen if any body had at that time attempted to make their escape from the premises of Mr. Blight.

The next witness is Sarah Blight, the widow of the deceased, and you observe that the defence which has been read to you, as well as the account that was given in one of the examinations before the Magistrate, presents this state of matters as between the deceased Mr. Blight and the Prisoner, namely, that he was in no degree in debt to Mr. Blight; but that on the contrary, he had, at different times, lent Mr. Blight, of his own money, 1,200*l.* and upwards; you have heard the condition in which he originally came to Mr. Blight; he states, however, that he had lent him considerable sums of money, that all that account, however, was settled upon the 15th of July, 1805, by a sale out and out by Mr. Blight, and possession given in consequence of that sale, and the documents handed over in consequence of that sale, by which all accounts were made clear between them; and that this 1000*l.* draft, which you have heard so much of, had nothing to do with any account between Mr. Blight and the Prisoner, but was purely money that was to go into Blight's own pocket.

In order to contradict that account, Mrs. Blight is called, and she completely refutes that account, if you believe her testimony. What she says is this; that she first became acquainted with the prisoner about

two years and a half since, that a sister of his lived with her as a common servant, her only servant; that he began his acquaintance with her by visiting that sister. That he soon after entered into Mr. Blight's service; that he said he had come out of the country on account of some difficulties respecting some tithes; what difficulties respecting tithes should banish a man from his estate in the country, and afterwards make him sell it, it is a little difficult to conceive, but we have no confirmation of any part of this story, there is no proof whatever of any dispute respecting tithes. That he came from Devonshire, and that he was after some little time engaged in Mr. Blight's service at 40*l.* a year, having at first worked for a short time for his victuals and drink. That he was at that time employed in superintending. That he worked for one year at the rate of forty pounds a year and his board, and that his salary was then raised to a hundred a year. He certainly had acquired the good opinion of Mr. Blight to a very great degree; she says that four months before the death of Mr. Blight, he gave her some papers to deliver to the prisoner upon certain conditions; that she was to give those papers to the prisoner in case of being questioned respecting the property; that she kept them in her own custody till Blight's death; that she was at Margate when the accident happened; that she heard of the accident that had happened to her husband, and immediately came to London. That she found those papers on her return in the tin box where Mr. Blight had put them four months before; that they were directed to her (Mrs. Blight) written upon the envelope; that she delivered them to the prisoner the evening he was taken into custody, which was after he had been examined before the Coroner's Jury; that he said he had been questioned with respect to the property at the Acorn, which was where the Jury sat; that he wanted the papers; that he never had had them till that evening, which was the 27th of September; his account being that he had them in his custody from the time of their execution. That Mr. Blight came from town to Mar-

gate on the Thursday; that he received a letter on the Saturday, which induced him to come to town; she produced that letter, and the letter is this.

(His Lordship read the Letter.)

Vide Page 97.

Upon this letter it is observed to you, Gentlemen, that although the time was running very hard when the second note for this 1,000*l.* should have been paid, which according to the witness's account was a note Mr. Blight was to reap the whole benefit of, yet not a word is said upon the subject in his letter; the second note I think should have been paid on the Friday; she tells you that Mr. Blight intended to have returned on the Monday. That she had heard the 1000*l.* bill drawn by the prisoner talked of several times by the prisoner and her husband. That he represented it as the purchase money of an estate sold in Devonshire; that Mr. Blight was to have the produce of that bill, and that the prisoner was to come into a share of Mr. Blight's business, for which he was to pay 1250*l.*; that 250*l.* was paid in hand by the prisoner. That she has many times heard her husband and the prisoner talk on the subject of this money; that her husband asked the prisoner why when it became due it was not paid? that this was four months before his death, and that the prisoner said his friend Goom was not ready to pay it; that he could get 500*l.* of the money from Goom, but he would not take that, as he could not have the whole; that matters were in that state when Mr. Blight came to Margate; and that on the receipt of the prisoner's letter, he came away on the Sunday evening; that when she herself came to town, she spoke to the prisoner on the subject of the 1000*l.* and asked him whether Mr. Goom's bill was paid? this was on the Friday morning; it was before he was taken into custody; and that he told her, that Mr. Goom had been there to breakfast on the Tuesday morning by appointment, and that Mr. Goom had been to the Banker's, and the money was paid; that she knew the contents of the papers, which she was to

deliver to the prisoner; and that those papers were made to secure her husband's property, because the Trustees persecuted him very much. That all which she has now repeated, was frequently said between Patch and Mr. Blight; consequently it must have been all in the prisoner's presence. That she never heard till after her husband's death that the prisoner had paid 1250*l.*; that she knows of no other sum being advanced by the prisoner to her husband, except the 250*l.* in part of the 1250*l.*, and 50*l.* which he had advanced to Mr. Blight. That if he had advanced 2065*l.* or 1250*l.* from the knowledge she had of her husband's business, she must necessarily have known it.

Gentlemen, the receipt and the bill of parcels I will read to you.

(His Lordship read the Receipt and Bill of Parcels.)

Vide Page 101.

These were accompanied with a letter to him in these terms.

(His Lordship read the Letter.)

Vide Page 102.

Upon her cross examination, she says that her husband had failed as a West India merchant in 1803; that a deed of trust was executed in August, 1803, and that no dividend had been paid upon it, but that he was carrying on business as a ship breaker to a considerable extent before the prisoner came to him.

Now, Gentlemen, you find here a complete contradiction to that which had been stated before the Magistrate, and that which has been stated in the defence to day. With respect to the transaction itself, you find that Mr. Blight, being in difficulties, masked this property to give it the appearance of belonging to the prisoner, and that for that purpose he made a deed, purporting to be a transfer of the whole of his property for this 2065*l.*; but Mrs. Blight tells you that that never was acted upon; that it remained in the box in her possession, and that it never was so much as de-

livered; that the true intent and meaning of it was, that if the creditors should at any time press him more successfully than they had done before, then this was to be produced to make the property appear to be not Mr. Blight's, but the prisoner's; these papers however he converts into his defence before the Magistrates; stating that he had actually bought this property; that he had taken the business, and had actually carried it on before this time, and he also states that he had been before in possession of these very papers. Mrs. Blight, on the other hand, tells you, he never had those papers till the 27th of September, when she herself delivered them to him.

Stephen Goom says he is a glue-maker, and he gives his direction, which corresponds exactly with the address upon the bill of 1000*l.*; he says that he had employed the prisoner's brother, and that several years before, he had known the prisoner himself, but had not seen him since; and that he never had any pecuniary connection with him whatever; that he never received any money from him, or any person on his account, or gave him authority to draw for any; that he never knew any thing of it till the prisoner was taken up; that he never gave any security to the prisoner; that he never made an agreement to call at Blight's to pay any money, nor ever was at Blight's, and that he never called at Willis and Percival's the Bankers.

Mr. Thomas Graham is then called: he says he knew Mr. Blight, and was with him in his house upon the 23d. That on the Friday before he had called for some money that was due for a ship he had sold to Mr. Blight; that he was told Mr. Blight was at Margate. The prisoner then told him of a shot that had come through the window, and took him in and shewed him the window; that he asked him if he knew any cause for it; that he said no, but he believed it was intended for him or Mr. Blight; that he shewed him the place where he sat; and said the blinds had been knocked down, and part came against his head; that he said the ball had stopped half way between

him and the window; that he (Mr. Graham) expressed surprise at the splinters being then lying about the house; the prisoner said he wished Mr. Blight to see them; he asked him if he had any suspicion of any one; he said no; Mr. Blight had had some words with a person about a dock, and he thought the name of that person was Clark; he said he should write to Blight to come up to town immediately, for he was rather uneasy about it.

That on the Monday following he called again about one o'clock; Mr. Blight had just then come from town; that while he was there, the prisoner came in and borrowed Mr. Blight's spurs; he then had boots on; Mr. Blight said, "Patch, don't you return without the money;" to which he replied, "you may depend upon it I shall not return till it is settled;" and then the prisoner went away.—This you recollect he has denied himself to have said upon his examination.

Mr. Percival says, that on the 7th of September, the prisoner had opened an account with them; that he paid in a draft of 1000*l.* drawn by himself upon Mr. Goom, payable the 16th of September, and that before it was due he called again, saying that Mr. Goom was not prepared to pay the money, and that he would take that draft, and send another for a future day. That he accordingly sent another, dated for the 20th; that before that became payable, they received a letter from the prisoner, dated the 19th of September, but he did not take up the bill and give them another note; that on the 23d of September, Mr. Blight called at his shop about ten o'clock, and made some enquiries. He then shews an entry in the banking book in the prisoner's hand-writing, to this effect, "Messrs. Willis and company will place the above bill to the credit of the Executors of the late Mr. Isaac Blight." and it is signed by himself; that the second draft was erased by the Bankers in their ordinary course of business.

Gentlemen, here you have another contradiction; for the prisoner says that Mr. Blight never did go to town on that day; he certainly did, and was at Mr.

Percival's shop; you find that he went there; that this note which the prisoner had said should be taken up, he never did take up at all; but that he wrote a letter, which has been read to you, saying, that it was not convenient to Goom to pay it, but that he himself had taken a note of Goom's for it, which he would call and leave with them, which, however, he never did.

The two persons, whose names had been mentioned, Webster and Clarke, were then called, in order to prove that they were in different places at that time, and the suspicion which the prisoner was the first to suggest with respect to them, could not be at all founded in fact, for they proved themselves to have been in totally different places.

Thomas Webster says, that he heard, on Tuesday, that Mr. Blight was killed; that on the Monday night he was at Lavender Yard, at work, till six o'clock; that he stopped at the public house till near half past seven, and then went home, and never left his home afterwards that evening, but went to bed about eight o'clock; that his daughter was in labour, a circumstance sufficient to make him remember the day, and he thought that the best way was to go to bed and get out of the way; that when he had passed by Mr. Blight's house, that evening, in his way home, it was about half past six; that his son never had absconded, that he had gone to sea the last day of August, and did not return till a fortnight after Mr. Blight's death, so that what was called his absconding, which now turns out to be his going to sea, could have nothing to do with this matter; that his yard was searched; that the prisoner was the cause of its being searched; that he does not think Mr. Blight had any concern in its being searched. The search was made after his son went away, therefore he could not possibly have absconded on that account. You find, therefore, Gentlemen, that immediately on the prisoner being asked whether he could cast a suspicion on any one, he does cast a suspicion on Webster, on account of his yard having been searched;

but, in Webster's estimation, Patch himself was the man who caused that search in his yard, and not Mr. Blight.

William Webster, the son, says, that he left London the 31st of August; that he went to Deal, and returned about a fortnight after Mr. Blight was shot.

Harriet Webster, the daughter, says, that her father came home about seven; that he went to bed about eight, and that she had occasion to call him up between three and four, for her sister to get into the bed into which he had gone.

Joseph Clark says, that he is a labouring man; that on the day on which Mr. Blight was shot, he himself went, at five o'clock in the afternoon, from Rotherhithe, across the water, to the Red Lion at Poplar; that John Cox was with him; that they staid there about an hour an half; that they then went to the Green Dragon, and then to the King's Head on Limehouse Causeway, where they remained till about half past nine; that John Cox was with him the whole of the day; that he had had something of a quarrel with Mr. Blight about repairing a wharf, but that that was a long time ago, and that they were not near Mr. Blight's premises in the course of that day.

John Cox intirely confirms this witness, stating the same places, and saying, that he was never out of his company in the whole of the day.

Then the agreement was put in merely to shew that 1250*l.* was to be paid into the business, upon which the business was to be separated and the prisoner was to have one third of the business, and of the stock belonging to that business.

Mr. Jones, the Surgeon, is then called; he says he saw the prisoner at Mr. Blight's; that he had known him about a year and a half; that he generally wore boots, and that he saw him on the bed, and in different situations in the house, the evening of the accident; that he had boots on in the evening when he called first, but not when he was called in as a Surgeon; that between half past five and six he was with Mr. Blight, and the prisoner rode into the yard,

he was then booted; that he was called in as a Surgeon and arrived before nine o'clock; the prisoner met him between the door of the parlour and the bed on which Mr. Blight was lying; that he told him what had happened, and pointed out Mr. Blight to him; that all the assistance which Mr. Blight required he would have only from the prisoner, so much was he in the favour of Mr. Blight; that the breeches he then had on were light coloured like his own, and the stockings he had on were white, he thinks they were ribbed stockings.

Mary Salter says, that she washed for the prisoner; that she remembers hearing of the death of Mr. Blight; that she had received from the prisoner his linen on that Monday, about eleven o'clock in the morning; that she had had his linen only once before, and that was at the distance of about a month; that different persons stockings are marked with different coloured worsteds; that she cannot recollect having any white stockings from the prisoner on that day; there is a pair of stockings shewn to her, she says they are marked like the manner in which she marks them for her new customers, but she cannot say she marked these in particular; that the linen she had from the prisoner on the Monday, was foul upon the Tuesday, and was washed on the Wednesday, and afterwards delivered to him, so that you do not get these stockings identified by this woman, or to have come to her from the hands of the prisoner.

Mr. Stafford is then called, he says he found a pair of stockings, which were produced by him, in a closet in the prisoner's bed-room: That they were folded up, and one of them turned over, having exactly the appearance of a pair of clean stockings; that the hardness on the inside induced him to open them, and he found the feet in the state in which they are now; that the upper part was very clean though now it appears dirty; that the room in which he found them was that over the counting-house and privy, which is proved by the other witnesses to have been his room; there are no initials on the stockings.

On his cross examination he says, that he made this discovery upon the 30th of September, so that from the 23d to the 30th, a whole week, they must have remained there; the evidence upon this point amounts to this, that a pair of stockings were found in his room in a situation in which one should not at all expect to have found them; that they had about them the marks of a person having been walking without his shoes, where there was a great deal of mud, and it is said, that that mud was of the sort which lay a good deal about this yard, and these are the sort of stockings which Mr Jones saw the prisoner wear between eleven and twelve that evening.

Richard Murch was then called, and he speaks to a remarkable circumstance. He says that he was employed to search this privy on Wednesday, the second day after Mr. Blight's death; that he found a ramrod of a pistol in the trunk which led to the vault, about two inches stuck in the soil, and there was wadding to the worm end of it, the rest of the ramrod was perfectly clean; that there was nothing in that place which looked as if any person having a looseness had been there, but more to the contrary; that he saw the prisoner at the time of the examinations before the Coroner, his sister was there also; that some one was speaking to the prisoner's sister, and the prisoner called her on one side, and said, "Sarah, have not such and such Gentlemen been asking you questions?" that their names were mentioned, but he does not recollect them; that she answered, "Yes:" upon which he said, "Be cautious of what you say; the report is of me, but they can bring no proof against me." That when he found this ramrod the prisoner was at the Acorn; that this was the first time he had been there, and he had not heard whether there were reports against the prisoner or not. Upon some questions from me it turns out, that the place was of this description, that the soil which he says was very hard, operated as the bottom of a pan, and kept from sinking or falling any thing from the top, that it could find no passage. This witness also says, that if a

person had been several times on the Monday making use of this place, who was affected with a looseness, he is able, from his experience, to say, that he must have perceived it; he certainly went there so late as eight or nine o'clock on the Monday, according to the testimony of one or two of the witnesses; and this workman says, that if any person had been even once, much more if he had been there more than once, having a looseness, it is impossible but that he must have discovered it in the soil, and that no person in that situation could have made use of this place, for that there was nothing that indicated a person having been distressed in the way in which the prisoner states he was, but quite the contrary.

Mary Smith says, that she was servant at the Brown Bear, where these persons were waiting to be called in their turns for the purpose of examination; that the prisoner asked her how the servant was, meaning Hester Kitchener, and desired her to take a glass of wine to her, and to give his compliments and tell her not to fret, for that they only kept her confined to frighten her, to see whether she would alter her story.

Then Mr. Graham is produced and he gives you the examinations.

Gentlemen, not to weary you too much with these examinations: I think I can take upon me to repeat what is the substance of them. There is, first, an account of the transaction of the 15th of July, which he represents as an entire settlement of all accounts whatever, and that in consequence of it the deeds had been delivered over to him, and he had then began business on his own account: The next is with respect to this note; he says, that never was a true note at all, but entirely a fabrication suggested by Blight; that Blight was no way interested in it, but that Blight who had no cash himself at Willis and Percival's, thought it would be a good expedient, and advised the prisoner to send this fictitious 1000*l.* draft in for the purpose of vapouring and making some better figure in Willis and Percival's books. Now,

what better figure such a draft could have enabled the account to make, it seems very difficult for any mortal man to find out; if Mrs. Blight tells you the truth, it was, on the contrary, considered to be a good bill, and payment was expected upon it by Mr. Blight, and, in corroboration of that, Mr. Graham tells you, that the prisoner was ordered not to come back without the payment of this bill.

This is the whole of the case on the part of the Prosecution.

Gentlemen, the substance of the defence of the prisoner, as well as I could take it, was this. In the first place, that the destruction of Mr. Blight would be the ruin of himself; certainly the trade might not go on with the same prosperity as if Mr. Blight had lived; but you will recollect, that the representatives of Blight, might have carried on this trade on the same terms as if he had lived. It appears to have been Blight's intention, not to have concerned himself as he had done, in the business; but to take this very active young man in, who had ingratiated himself very much with him: and in all human probability, he proposed to take him in, in order that the prisoner might take the labour off his shoulders, by undertaking the active conduct of this business; so that if he had paid this 1000*l.* or made them believe that he had paid it, the business would have been carried on, by the Executors and himself. It certainly does not necessarily follow, that that business would have been broken up, in consequence of Mr. Blight's death. The defence then goes on to state, that a dispute about tythes, was the cause of his selling an estate in Devonshire: we have however, no evidence of his having had any such estate whatever. He then insists upon advances made to Mr. Blight; and insists upon it, that Mrs. Blight knew of those advances. Mrs. Blight, however, swears directly to the contrary; and insists upon his owing this 1000*l.* at the time of her husband's death. He further insists upon there being a valid purchase, on the 15th of July, of Mr. Blight's whole property; that

there was an actual and valid assignment; and that the deeds were delivered over to him at that time: but Mrs. Blight insists upon it they never were delivered, but remained in that same tin box in which they were first deposited, until the 27th day of September. He says, that this 1000*l.* composed no part of the capital at all; but was mere cash to go into Mr. Blight's pocket; having no connexion with the business, and not to be so much as brought into the trade. The contrary appears from all the rest of the evidence, and by the agreement itself; from which it appears, that 250*l.* was paid, as part of the 1250*l.* which was to be the purchase money, for the one third share of the business; but of which the 1000*l.* had not been paid; he says, that the circumstances respecting the check, were known to Mrs. Blight; and he still persists in that statement, that it was a matter merely to keep up appearances, and which was never considered at all as valid money; that she knew that this was concerted between Mr. Blight and himself.—You have heard the account she has given, which is very different.

Gentlemen, the prisoner has called to his character, two or three witnesses, who have known him for the last two years and a half, or thereabouts.

Mr. Slee says, that he has known him about two years and a half; and that he has never known any thing amiss of him.

Mr. Huffam says, that he has known him about three years; that every thing he heard from Mr. Blight of him was honourable; that he knows nothing but what he heard from Mr. Blight.

Mr. Poole says, that he has not known him intimately, but only by dealing at the yard; he considered him to be a careful, industrious man; and humane in making a bargain with his workmen.

Now, Gentlemen, upon the whole of this evidence, you are in the first place, to consider with yourselves whether you are satisfied with respect to this 1000*l.* note; whether there was or was not, a complete deception carried on upon Mr. Blight with respect to that; whe-

ther there was not in Mr. Blight's mind, a perfect persuasion, that this 1000*l.* a part of the consideration for a third of the trade, was good and effective money; and would actually be paid as part of the consideration. The evidence, in that respect, seems to be extremely clear; and in no way to be affected by the suggestion, that Mr. Blight was desirous of keeping up a foolish appearance; not with his own cash, at his own bankers, but with respect to the prisoner's cash, at his bankers. If you think that that is so, then the next question is, does any man deceive in this manner, time after time, without some ulterior object in view; and then the question will be, whether he had the ulterior object of destroying this Gentleman.

The next step in the business is, the transaction upon the 19th; now that consists of these circumstances. He himself orders the window to be shut, at an earlier hour than usual, namely, at half past six. The effect of that window being shut, would be, that no one could see whether any one was or was not sitting in the room, when the pistol was fired at the window. It is proved, that it was impossible that any one could see the light from the outside. Now we must suppose, that if a stranger had shot off this pistol, it must have been either a man who knew the state of the family at that time, or did not; if he did not know the divided state of the family, he must think that Mr. and Mrs. Blight and the prisoner were all in the house together; and that the maid might be passing, or visitors have come in. If you suppose he could not know whether any body was in the room or not; or not knowing who was in the room, you suppose him to have fired this pistol, taking the chance of whom it might strike, it seems to be a very inexpert way, that any person intending to take away the life of any particular individual, should fire through the window shutter, and take the chance of that individual being in the seat in which he usually sat, or near it, when it was impossible that he should know whether he or any other person, or what person, was in the room; and if he

was, could not tell in what part of the room he might happen to be.

If that person knew that the prisoner alone was in the house, how should he know that he was gone to sit in Mr. Blight's chair, the window shutters being shut; he could not see whether he or any one was there or not. It should appear, from the firing being towards the situation in which Mr. Blight sat when at home, the design must have been to fire at Mr. Blight, and not at the prisoner; but if you suppose this was all a stratagem, every thing seems to have been correspondent to the purpose. Mr. and Mrs. Blight were out of the way, at Margate; the maid was sent out for oysters; the coast was perfectly clear; and even if there was a candle in the room it could not be seen whether he was there or not; that fact seems to make it somewhat unaccountable that it should be a stranger who can have fired this pistol; then there is added to that, a negative of its being any other person than the prisoner, by the witnesses who have stated, that they were so situated at the moment, that they heard the pistol fired off, that no person could have come over the paling, without their having observed it; and that with respect to a part of the paling, it was so very slender that they could not have gone over without breaking it; and that no such breaking appeared upon the palings.

Then the third step is the fact itself; with respect to that, I have already observed to you, that the door when he went out of this place, was certainly left open, which might be to afford an opportunity of his returning quickly, for the purpose charged by this indictment. You find that there was no anxiety whatever with respect to making any search, or making any enquiry, or any of that sort of bustle, which it is to be expected will shew itself upon such an occasion, in one who had so much regard for the deceased as the prisoner expressed. Then you have it from the same sort of evidence as that respecting the former occasion, that no person was seen to go from the house; none

whatever. One should almost have expected the person who had shot Mr. Blight, if a stranger, must have been seen by the prisoner himself, on his return from the privy; you find also, that in this necessary to which he says he had frequent resort, there is not the least appearance of any man having resorted there, in the circumstances in which he stated himself to be. You find that there is an instrument for charging a pistol, not exposed to view, but intended to be concealed; namely, the ramrod, sticking in the soil; we know that there is some small difficulty in returning a ramrod into the small circle which receives it in a pistol; and it appears probable, that a person in a hurry might stick it in this place, or in the first place he came to, and go on with the pistol to perpetrate his purpose. You find that there were stockings, such as he was seen with between eleven and twelve that night, afterwards discovered, all over mud, in the closet of the room in which he slept.

Now in opposition to this, there is the demeanor of the prisoner in other respects. That demeanor consists in his having shewn considerable attention to Mr. Blight, during the whole time after he received the shot, till he actually expired. But that might be part of that hypocritical mode of conducting himself, which formed a part of the plan imputed to him. To be sure, if that attention was ingenuous and sincere, it goes against the idea of his being himself the very hand that occasioned the death; but we do certainly know, that these things are sometimes concerted with great art; and carried on so as to deceive the persons who have been present.

Gentlemen, you are to decide upon the whole of the circumstances; whether you are satisfied that this was a transaction on the part of the prisoner, which was bottomed in fraud originally; which was carried on by the entire deception of Mr. Blight; and ended at last in his murder; taking into consideration the evidence of Hester Kitchener, with respect to the space of time that was necessary for the prisoner to have

come from the necessary (where she says she heard him, and in the counting house) to the apartment where Mr. Blight was; and to have been the person who actually fired that pistol. If you shall be of opinion that this case is fabricated, it is the most long-headed, and the best constructed case that one can possibly conceive; but many of the circumstances are unaccounted for, unless upon the supposition of his guilt; you will consider whether they are or are not satisfactory to you. The nature of circumstantial evidence being this, that the whole body of it must be such, that you must be satisfied there is no rational mode of accounting for those circumstances, but upon the supposition that the prisoner is guilty. If you think that there is any rational mode of accounting for those circumstances; that there is the least tolerable degree of probability, by which they may be accounted for, consistently with the innocence of the prisoner; then it is evidence of that nature which will not warrant you in the conviction of the prisoner. You will take the whole into your consideration, and determine as you shall think consistent with the truth of the case.

The Jury retired for ten minutes, and then brought in the prisoner—GUILTY.

LORD CHIEF BARON MACDONALD.

Richard Patch,

You have been tried by a most attentive and most considerate jury. In pronouncing the verdict of Guilty upon you, they have found, that you began this practice in fraud; that you continued it in ingratitude; and terminated it in the murder of your friend and benefactor. More need not—more cannot be said. It remains only for me to pass the sentence of the law upon you. That you be taken from this place to the place from whence you came; and that on Monday

morning next, you be taken to the place of execution; that you be hanged by the neck until you are dead; and that your body be then delivered to the surgeons for dissection. And may the Almighty have mercy on your soul.

The prisoner was executed on Tuesday the 8th of April, and his body was delivered to the Surgeons to be anatomized.

TABLE OF CONTENTS.

	Page
THE Counsel for the Crown, and for the Prisoner	3
The Jury	4
The Indictment	5
MR. GARROW's Speech in opening the Case	7
Evidence for the Prosecution	51
Richard Frost's Examination	51
——— ——— Cross-examination	52
Mr. Astley Cooper's Examination	52
——— Cross-examination	55
Miss A. L. Davis's Examination	56
Mr. —— Cadogan's Examination	56
Miss Davis's Examination resumed	56
Miss M. E. Davis's Examination	58
Michael Wright's Examination	58
——— Cross-examination	61
——— Re-examination	62
Richard Frost's further Examination	63
Mr. William Kinnard's Examination	64
——— Cross-examination	66
——— Re-examination	67
Richard Frost's further Examination	67
Hester Kitchener's Examination	68
Mr. Christopher Morgan's Examination	78
Mr. James Berry's Examination	81
——— Cross-examination	84
John Pring's Examination	84
Charles Stonard's Examination	85
George Smith's Examination	90
——— Cross-examination	91
John Brown's Examination	92
Mrs. Sarah Blight's Examination	93
Letter from R. Patch to Mr. Blight, dated Sept. 20, 1805.	97
Mrs. Blight's Examination resumed	97
Bill of Parcels of Stock, &c. from Mr. Blight to R. Patch, dated July 15, 1805	101
Receipt for the Amount of the above	101
Letter from Mr. Blight to R. Patch, dated July 15, 1805	102
Mrs. Blight's Cross-examination	102
William Swendell's Examination	103
Notice to the Prisoner to produce Draft	103

CONTENTS.

	Page
Mr. Stephen Goom's Examination	104
Mr. Thomas Graham's Examination	105
Mr. Richard Percival's Examination	108
Draft drawn by R. Patch on Mr. Goom	109
Letter from R. Patch, to Messrs. Willis and Co., dated Sept. 19, 1805	109
Mr. William Willis's Examination	112
Thomas Webster's Examination	112
——— Cross-examination	114
——— Re-examination	114
William Webster's Examination	115
Harriet Webster's Examination	115
Joseph Clarke's Examination	116
John Cox's Examination	117
Mr. William Jones's Examination	117
Thomas Musk's Examination	120
Agreement between Mr. Blight and R. Patch, dated Aug. 31, 1805	120
Mary Salter's Examination	121
Mr. John Stafford's Examination	124
——— Cross-examination	126
William Anthony's Examination	126
Richard Murch's Examination	126
——— Cross-examination	128
Mary Smith's Examination	129
Mr. Aaron Graham's Examination	130
R. Patch's Examination before A. Graham, Esq. Sept. 28, 1805	131
Ditto, Oct. 1, 1805	136
Ditto, Oct. 3, 1805	139
Mr. John Stafford's further Examination	141
R. Patch's further Examination before A. Graham, Esq. Sept. 28, 1805	141
Mr. John Stafford's Cross-examination	142
THE PRISONER's DEFENCE	143
Evidence for the Prisoner	159
Mr. Josias Slee's Examination	159
Mr. Joseph Huffman's Examination	159
Mr. Richard Poole's Examination	160
LORD CHIEF BARON MACDONALD'S Summing up	161
The Verdict	196
The Sentence	196

The following TRIALS published from Mr. GURNEY's Short Hand Notes, (and such others as are not out of Print), may be had of M. GURNEY, Bookseller, Holborn-Hill.—

1. THE Trial of JOHN DONELLAN, Esq. for the Murder of Sir Theodosius Boughton, Bart. Before Mr. Justice Buller, at the Assize at Warwick, March 30, 1781. Price 2s. 6d.

2. The Trial of THOMAS HARDY, for High Treason, at the Session House in the Old Bailey; containing the parol Evidence, authentic Copies of all the Letters, and Arguments verbatim. In Four Volumes, Octavo. Price 1l. 8s. in Boards.

3. The Trial of JOHN HORNE TOOKE, for High Treason, at the Session House in the Old Bailey; containing the parol Evidence, authentic Copies of all the Letters, and the Arguments verbatim. In Two Volumes, Octavo. Price 14s. in Boards.

4. The Trial of WILLIAM STONE, for High Treason, at the Bar of the Court of King's Bench. Price 7s.

5. The Trial of ROBERT THOMAS CROSSFIELD, for High Treason, at the Session House in the Old Bailey. Price 7s.

6. The Trial of JAMES O'COIGLEY, alias JAMES QUIGLEY, alias JAMES JOHN FIVEY, ARTHUR O'CONNOR, ESQ. JOHN BINNS, JOHN ALLEN, and JEREMIAH LEARY, for High Treason. Price 9s.

7. The Trial of WILLIAM CODLING, JOHN REID, WILLIAM MACFARLANE, and GEORGE EASTERBY, for feloniously destroying the Brig Adventure on the High Seas, at the Sessions House in the Old Bailey, October 26, 1802. Price 5s.

8. The Trial of COLONEL DESPARD for High Treason, at the Session House, Newington, Surry, February 7th, 1803. Price 5s.

This Day is published,

DEDICATED WITH PERMISSION,

TO THE KING,

Price HALF-A-GUINEA,

THE THIRTEENTH EDITION, OF

BRACHYGRAPHY,

OR AN

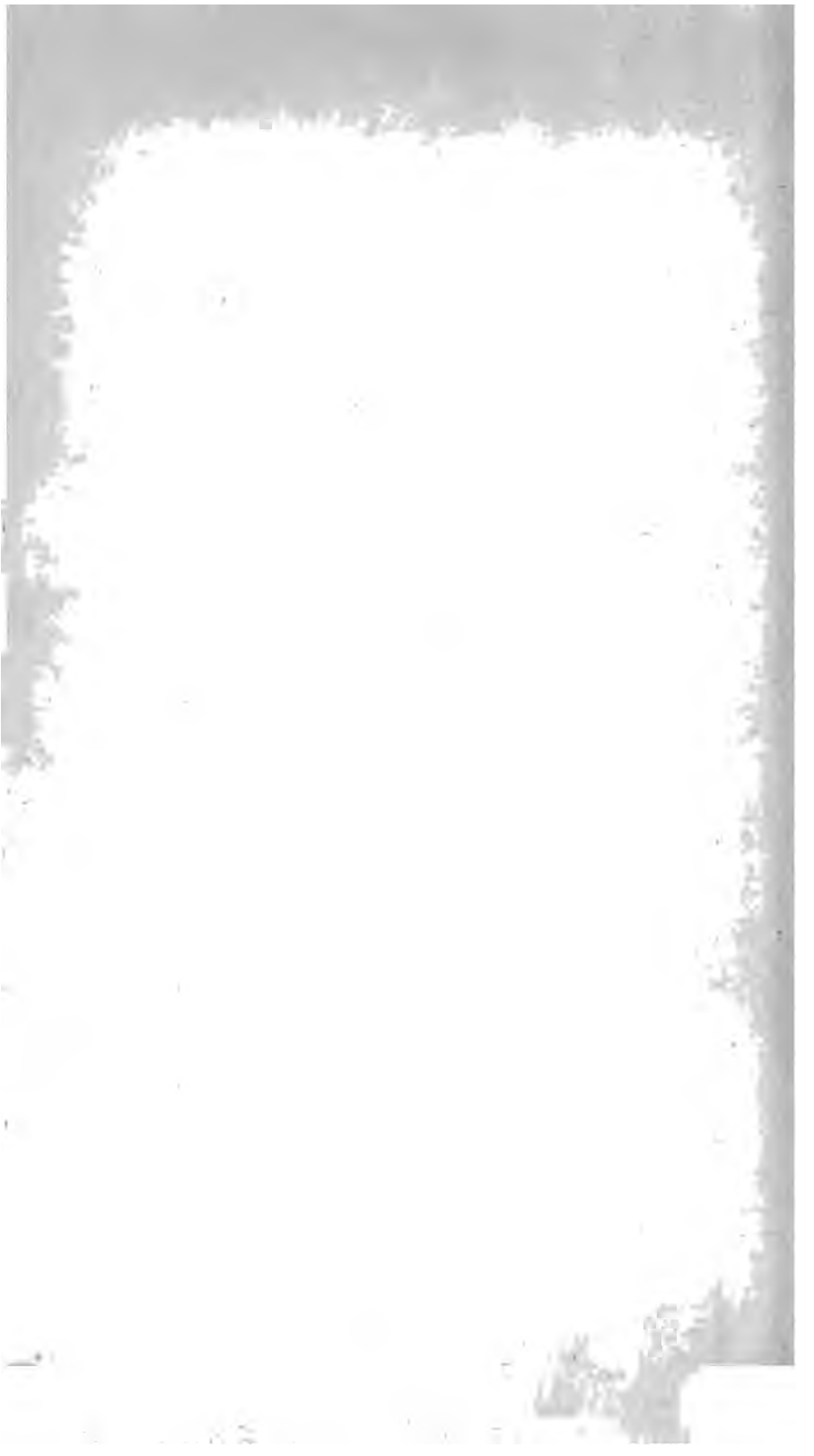
EASY AND COMPENDIOUS SYSTEM OF SHORT-HAND,

Adapted to the various Arts, Sciences, and Professions.

BY JOSEPH GURNEY.

Note. The Book is a sufficient Instruction of itself; but if any difficulties occur, they shall be removed upon application to the Author, either personally or by letter, without any additional expence.

H. Bryer, Printer, Bridge-Street Blackfriars.



THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building

Form 410